



Costs Decision

Hearing held on 17 March 2026

Site visit made on 17 March 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Costs application in relation to Appeal Ref: APP/B1415/X/25/3375929 Spindlewood Country Holiday Park, Rock Lane, Hastings, TN35 4JN

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Hastings Holidays Parks Ltd for a full or partial award of costs against Hastings Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the use of land as a caravan site for the siting of static caravans for use as a main place of residence between 1st March and 30th November in each year.
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Decision

1. The application for an award of costs is refused.

The submissions for Hastings Holiday Parks Ltd

2. The costs application was submitted in writing at the Hearing. In summary, the applicant seeks a full award of costs on the basis that the appeal was unnecessary because the LDC should have been granted. In the alternative, a partial award is sought in respect of the allegedly flawed reason for refusal and the costs incurred in addressing it prior to what is described as a “*significant change in position*” by the Council.
3. In particular, the applicant claims that the Council acted unreasonably which resulted in wasted expense in so far as:
 - (a) the original reason for refusal, which referred to Use Class C3 (dwellinghouse) and the GPDO 2015 (“the GPDO”), was entirely flawed and incapable of substantiation, and the Council have “pivoted” to an entirely different case.
 - (b) the Council’s interpretation of the 1985 permission is unreasonable and contrary to the principles established in caselaw¹ and have relied upon inadmissible matters such as draft development plan policies, consultation responses, and other matters that post dates the grant.
 - (c) they have failed to provide evidence as to the materiality of any change of use and has merely relied upon factors extracted from a different appeal decision relating to an entirely different caravan site in an entirely different context with an entirely different planning consent. It is clear that the Council consider that in all

¹ *Trump International Golf Club* [2016] 1 WLR 85; *Lambeth London Borough Council* [2019] 1 WLR 4317; *Breckland District Council v SSCLG* [2020] EWHC 292 (Admin); *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30

circumstances, a change from a holiday use of caravans to a residential use of caravans is always a material change of use (MCU).

The response by Hastings Borough Council

4. The response was submitted in writing following the Hearing. In summary, the Council state that:
 - (a) they acted responsibly and accepted that reference to Class C3 use was inapt and was corrected at the outset of the appeal², thus no time was wasted at the event to address this further. The SOCG also agreed that there is no provision within the GPDO to move from a holiday caravan site (*sui generis*) to a residential caravan site (*sui generis*).
 - (b) the substance of the Council's case was that the proposed residential use would constitute a MCU from the lawful holiday use. The Council have not therefore "pivoted" to an entirely different case. The decision notice expressly stated that "the proposed use would constitute an MCU requiring full planning permission." That is the case the Council has advanced throughout this appeal. The Council has substantiated their case with detailed evidence and legal authorities.
 - (c) the applicant is simply re-arguing its case via this application. The Council's interpretation of the relevant permissions is supported by extensive and directly applicable case law authority and is advanced on a principled and properly reasoned basis. The Appellant's disagreement with the Council's interpretation does not render that interpretation unreasonable.
 - (d) The Council's primary case is that the 1985 Permission is clear and unambiguous: the word "holiday" qualifies the composite description. On that basis, no recourse to extrinsic material is necessary. However, in the alternative, if the Inspector considers that there is any ambiguity, it is well established that recourse may be had to extrinsic material to resolve that ambiguity³. These principles permit reference to the planning application and other contemporaneous documents where the permission incorporates the application by reference or where ambiguity exists. The Council's reliance on this material is permissible in law.
 - (e) The Council has set out in its SOC⁴ and in its Final Comments⁵ a detailed analysis of the indicators of materiality. This was expanded upon during the Hearing by the Council's planning witness. The Council has reasonably considered the analysis of other Inspector's decisions dealing with similar circumstances addressing the materiality of a change from holiday to residential use of caravans. It has then identified fact-specific indicators relevant to this appeal site and assessed whether, on the balance of probabilities, those characteristics and impacts would arise under the proposed use.
 - (f) The Council's case is that, as a matter of fact and degree, assessed by reference to the specific circumstances of this site and the relevant permissions, the proposed change would amount to an MCU. That is precisely the exercise

² As outlined within their Statement of Case (SOC) and both signed Statements of Common Ground (SOCG),

³ This is confirmed by the principles in *R v Ashford Borough Council, ex parte Shepway District Council* [1999] 1 PLCR 12, as endorsed in *Trump International Golf Club Scotland Ltd v Scottish Ministers* [2015] UKSC 74 (at [33]).

⁴ Paragraphs 6.20–6.25

⁵ Section E.

required by law. This includes consideration of the fact that these are caravans which are all owner occupied and not rental caravans which the Council addressed during the Hearing.

Reasons

5. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
6. The appeal is not unnecessary and arises because there is disagreement between the parties as to the proper interpretation of the relevant permissions and the materiality of the proposed change. Established case law requires the objective interpretation of planning permissions. The Council's case is not based on subjective intention, but on what the reasonable reader of the permissions would understand the words to mean, read in the context of the conditions and reasons. These disagreements which were discussed at length at the Hearing do not result in any unreasonable behaviour.
7. The Council's primary case is that the 1985 permission is clear and unambiguous, and on this basis, there is no need to refer to extrinsic material. Indeed, it will be seen from my decision, that I agree with the Council's interpretation of the relevant planning permissions and that, based on the specific circumstances of the case, the proposed residential use would be an MCU. It follows that I am satisfied that the Council has substantiated its case with detailed evidence and legal arguments, which apply to the specific circumstances of this site.
8. With regard to the partial application for costs, there is nothing to suggest that the reason for refusal was unreasonable. The inaccurate reference to Use Class C3 was dealt swiftly within the Council's SOC and the signed SOCG. This error was not determinative of the appeal starting as an Inquiry. The SOCG also agreed that the proposed change of use is not permitted by the GPDO. The substance of the Council's case was that the proposed residential use would constitute a MCU from the lawful holiday use, and therefore the Council have not "pivoted" to a different case.
9. I am satisfied that the Council has not acted unreasonably by the refusal of the LDC application. Therefore, the applicant has not been put to any unnecessary or wasted expense with dealing with this appeal.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

R Satheesan

INSPECTOR