
Costs Decision

by D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2026

**Costs application in relation to Appeal Ref: APP/W1850/X/25/3375624
Log Cabin, Redwood Orchard, St Michaels, Tenbury Wells, Worcestershire
WR15 8TL**

- 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 T and CPP Limited for a full award of costs against Herefordshire Council.
 - The appeal was against the refusal of a certificate of lawful use or development (LDC) for the stationing of the caravan compliant shipping container shown in the accompanying plan within the land edged red on the accompanying plan for use ancillary to agricultural under the certificate granted on appeal ref P214586.
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Decision

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

Reasons

2. 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.
3. The PPG advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the substance of the matter under appeal. It makes it clear that a local planning authority is required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour for both¹.
4. The main thrust of the applicant's case is that if it is decided that the additional information that the Council say was missing from the application to enable them to consider the application properly was either not necessary or not relevant, then their subsequent reasons for refusing the application were ill founded as they could not be substantiated at appeal. He also states that the reference to the existing log cabin is not relevant to the determination of the appeal.
5. The Council set out comprehensively in its evidence its reasoning for refusing the LDC application. A grant of a LDC is dependent on the appellant demonstrating, on the balance of probability, that the proposed use or development would be lawful. As such, each case has to be determined based on the specific evidence submitted with it. I acknowledge that the Council's referral to the log cabin and the appellant's future intentions are irrelevant to the case before me. Nevertheless, as can be seen from my substantive decision, I have agreed with the Council, as I

¹ Paragraph: 047 Reference ID: 16-047-20140306 and Paragraph: 049 Reference ID: 16-049-20140306

have found that the applicant's burden has not been discharged in a precise and unambiguous manner. Consequently, I do not consider that the Council were unreasonable to refuse the LDC application. Therefore, even if I found that the Council's referral to irrelevant evidence was unreasonable the appeal could not have been avoided and the applicant has not incurred wasted expense in appealing the Council's decision.

6. The applicant has drawn my attention to 2 costs decisions². The first one relates to a LDC appeal on the same site. In that costs decision the Inspector found that *'had the Council dealt with the application in a timely way and sought to resolve any ambiguity regarding the proposal earlier in the process, it is highly likely that the appeal could have been avoided altogether, particularly given the Council's decision in respect of LDC reference 213552, which was for a similar proposal.'* The conclusion reached in the second costs decision was *'that the Council acted unreasonably by failing to determine the application within the prescribed period, then subsequently granting a Certificate of Lawfulness in the same terms on the same evidence'*. Both of those cases therefore appear to relate to a Council's failure to determine the initial LDC application and it then subsequently approving a second LDC based on the same/similar evidence. Therefore, the circumstances relating to the case before me are materially different to those decisions and they do not lead me to a different conclusion.

Conclusion

7. For the reasons given above, I conclude that unreasonable behaviour by Herefordshire Council, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

D Boffin

INSPECTOR

² Ref Nos: APP/W1850/X/22/3295616 & APP/R3705/X/25/3366859