



Costs Decision

Hearing held on 31 March 2026

Site visit made on 30 March 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 29th April 2026

Costs application in relation to Appeal Ref: APP/H1840/C/25/3375971 Cotswold Vale View Caravan Park, Offenham Road, Aldington Evesham, WR11 7AB

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Adam Smith for a full award of costs against Wychavon District Council.
The appeal was against an enforcement notice alleging material change of use of the land to a caravan site.
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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 appellant made his claim on the basis that the notice was quashed on either ground (e) or ground (b). In which case the appeal had been a waste of time and a full award of costs was justified. As I did quash the notice on ground (b) it is this that is the nub of the matter.
4. The Council are required not to act contrary to established case law when presenting their case and, once an appeal has been made, to review their case if necessary. On ground (b) the appellant argues the Council issued a PCN, prior to the enforcement notice in which they alleged a breach of condition. However, in the expediency report they fail to mention breach of condition and misdirect themselves by calling it a material change of use. They failed to understand what had happened on site which in itself was unreasonable.
5. I agree that the allegation was best described as a breach of condition, but that could only be the case if the original gypsy site permission had been commenced. There are thus two parts to the ground (b) argument. Firstly, was the original planning permission commenced and secondly if it was, was the development enforced against materially different? Although I think the Council did misread the Atwill judgement they provided that was not fatal to their case. As they concluded the original planning permission had not been commenced, they could not issue a breach of condition notice (or allege a breach of condition in a notice).

Commencement is a matter of fact and degree and their argument concerning commencement was not so far-fetched as to be unreasonable. Even if they had accepted the planning permission was commenced they could still have argued the result was a material change of use rather than a breach of condition. Again that is a matter of judgement. In both cases I disagreed with the Council, but their position was arguable.

6. The fact that they changed their position after receiving the officer's report is not necessarily unreasonable. What is important is that they had sufficient arguments to support their case at the Hearing. Consequently, I do not think they were unreasonable to pursue ground (b) and an award of costs is not justified

Simon Hand

INSPECTOR