



Costs Decision

Site visit made on 4 February 2026

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2026

Costs application in relation to Appeal A Ref: APP/R3650/X/24/3358242

Southfork Farm, Wrotham Hill, Dunsfold, Nr. Godalming, Surrey GU8 4PA

- 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&CPP Ltd for a full award of costs against Waverley Borough Council.
- The appeal was against the refusal of a certificate of lawful use or development for the siting of a caravan for use for residential purposes.

Summary Decision: The application for an award of costs is refused.

Costs application in relation to Appeal B Ref: APP/R3650/X/24/3341327

South Fork, Wrotham Hill, Dunsfold, Nr. Godalming GU8 4PA

- 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 Mr David Stedman for a partial award of costs against Waverley Borough Council.
- The appeal was against the refusal of a certificate of lawful use or development for the siting of a shipping container for use ancillary to the residential use of the land.

Summary Decision: The application for an award of costs is refused.

Costs application in relation to Appeal C Ref: APP/R3650/X/25/3364731

South Fork, Wrotham Hill, Dunsfold, Nr. Godalming GU8 4PA

- 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 Mr David Stedman for a full award of costs against Waverley Borough Council.
- The appeal was against the refusal of a certificate of lawful use or development for the siting of a shipping container for use ancillary to the residential use of the land.

Summary Decision: The application for an award of costs is refused.

Reasons

1. 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.

Appeal A

2. The application for costs does not specify whether it is a full or partial award of costs. The application suggests that the Council failed to support its reason for refusing to issue the LDC and refers to the Council not considering additional evidence submitted with the appeal. These are substantive reasons for the application for costs relating to the merits of the case. It indicates the appellant considers the appeal would not have been necessary had the reasons for the decision been justified. On this basis, I consider that the application is for a full award of costs.

3. The Council have set out in detail the reasons for coming to their decision in the Officer Report. They came to a reasonable assumption that the caravan would have needed to be attached to the roof of the building to enable its use as the upper floor of the building. Consequently, the Council's decision to refuse to issue an LDC was not unreasonable.
4. The appellant states that additional evidence has been provided by an architect with the appeal. This comprises a letter and plans from Michael Tamsett of Architectural Designs demonstrating how the caravan would be located on the building. This is not expressly referred to in the Council's Statement submitted in relation to the appeal. It is unclear why that is, and I note the Council are not in a position to confirm that. Nevertheless, this does not necessarily mean that it wasn't taken into account. Whilst I accept it is not clear that the Council have considered it, their Statement sets out their case in some detail. On the balance of probability, I consider that the Council would have taken this into account in preparing their Statement on the appeal. In any event, this would not have affected the need for the appeal such that it has not led to unnecessary or wasted expense in the appeal process.
5. For these reasons, I consider the Council did not behave unreasonably during the course of the appeal. As a result, the appellant did not incur unnecessary or wasted expense during the appeal process.

Appeal B

6. The application for costs in this case is both substantive, relating to the merits of the case, and procedural, relating to the process.
7. I have concluded in my decision on this case that the decision notice of the Council was valid. As such, this cannot be a procedural reason to conclude the Council behaved unreasonably.
8. The appellant suggests that approval for the siting of the container for use ancillary to the residential use of the site already exists (they quote reference WA/2022/0127), such that an appeal in this case was totally unnecessary. As the Council did not instigate the appeal, it is unclear how they behaved unreasonably in this regard.
9. I note that reference number WA/2022/0127 does not appear in other documentation, although an LDC was issued under reference WA/2022/01276 for the siting of a caravan for use ancillary to the lawful residential use of the land. I consider that to have been for a different development, being a caravan rather than a container.
10. I understand that the Council have previously accepted a container can be used as a caravan. However, in this case the application was for a container. Whether it is a building needs to be considered by fact and degree on the basis of the evidence provided. It is speculation as to whether removal of furniture and other items would affect how it is defined in terms of whether it would be a container or caravan.
11. It is not unreasonable for the Council to consider that a container may be a building for planning purposes. This is a matter of fact and degree on the circumstances of the case. In my decision, I have concluded that the Council were right to conclude

the container comprises a building. Consequently, I can't agree that it was unreasonable or irrational of the Council to refuse the application.

Appeal C

12. The application for costs in this case is substantive, relating to the merits of the case. The appellant suggests that the application was identical to that approved by the Council under reference WA/2024/00634. However, the Council have drawn my attention to differences between the two applications, including in relation to the sites and that the containers were required for different purposes. As a result, it was not unreasonable, taking account of the facts of each case, to come to different conclusions.

Conclusions

13. For these reasons, I conclude that the Council have not behaved unreasonably in relation to these appeals and this has not led to wasted expense in the appeal process.

Decisions

Appeal A - The application for an award of costs is refused.

Appeal B - The application for an award of costs is refused.

Appeal C - The application for an award of costs is refused.

AJ Steen

INSPECTOR