



Costs Decision

Site visit made on 4 March 2026

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Costs application in relation to Appeal Ref: APP/V0728/C/24/3345201 Land laying to the west of Spring House Farm, Hummersea Lane, Loftus TS13 4JG

- 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 Phillip Williams for a full award of costs against Redcar and Cleveland Borough Council.
 - The appeal was against an enforcement notice alleging the unauthorised use of land for the siting of two former railway carriages.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

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 provides a non-exhaustive list¹ of examples of unreasonable behaviour which may give rise to a procedural award against a local planning authority (LPA). The PPG further explains² that, in relation to enforcement action, local planning authorities “*must carry out adequate prior investigation*” and are at risk of an award of costs “*if it is concluded that an appeal could have been avoided by a more diligent investigation that would have either avoided the need to serve the notice in the first place, or ensured that it was accurate*”.
4. In this case, the applicant contends that the LPA has behaved unreasonably by issuing an enforcement notice which did not state, with sufficient clarity, the alleged breach of planning control. In particular, the applicant contends that he was unable to decipher whether the notice alleged operational development or a material change of use.
5. It is a well-established and well-known principle of the *Miller-Mead*³ judgement that an enforcement notice must inform the recipient with reasonable certainty what the breach of planning control is, and what must be done to remedy it. Whilst I do not rehearse the reasons here, as set out in my main decision, it was distinctly unclear from the four corners of the notice whether the LPA was alleging a material change of use of the land or operational development. Furthermore, if the notice was

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

² Paragraph: 048 Reference ID: 16-048-20140306

³ *Miller-Mead v Minister of Housing and Local Government* [1963] 1 A11 ER 4592

attacking a material change of use it did not stipulate what use was considered to be taking place on the land.

6. As part of a diligent investigation the LPA should have ensured that it was able to accurately identify the alleged breach of planning control and subsequently ensure that any recipient of the notice was clear what that breach was, and what must be done to remedy it. That was not the case in this instance.
7. The LPA contend that following receipt of complaints in March 2023 they carried out an investigation including site visits. Although it was initially concluded that it was not expedient to take enforcement action, following further activity on the appeal site, including the siting of the two railway carriages, further contact was made with the applicant. The LPA requested that the items were removed from the land, whilst the applicant advised that a planning application was being prepared regarding the potential conversion of the railway carriages into glamping pods.
8. Whilst I acknowledge that the items were not removed from the land and that a planning application was not forthcoming, it nevertheless remained the responsibility of the LPA to carry out a diligent investigation and ensure that any enforcement notice issued was accurate. These matters do not justify the LPA issuing a notice which was poorly drafted to the extent that it did not inform the recipient with reasonable certainty what the breach of planning control was.
9. When these concerns were brought to the LPA's attention at the outset of the appeal proceedings, the LPA could have chosen to withdraw the enforcement notice and issue another notice using the "second bite" provisions under section 171B(4) of the Town and Country Planning Act 1990.
10. I have no reason to doubt that the LPA's decision to issue the enforcement notice was taken in good faith, and that they genuinely sought to remedy what they considered to be a breach of planning control. However, in my judgement, the LPA's failure to carry out a sufficiently diligent investigation that would have ensured that the enforcement notice was accurate, amounts to unreasonable behaviour. Since the reason for quashing the notice related directly to that unreasonable behaviour, this suggests that the costs incurred by the applicant in appealing the notice were, as a consequence, unnecessary or wasted.
11. Taking all of the above into account, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Redcar and Cleveland Borough Council shall pay to Mr Phillip Williams the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching an agreement as to the amount.

David Jones

INSPECTOR