The Planning Inspectorate

Costs Decision

Site visit made on 9 June 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 July 2026

Costs applications relating to Appeals Refs: APP/C3430/C/25/3365691 & 3365692
Land at Mile Flat Farm, Mile Flat, Greensforge, Kingswinford DY6 0AU

- The applications are made by Terrance and Susan Quigley under the Town and Country Planning Act 1990, sections 174 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a full award of costs against South Staffordshire District Council.
- The appeals were against an enforcement notice alleging "the construction of close board timber fence along the rear property boundary on the Land in the approximate position shaded blue on the Plan ("the Fence")".

Costs decision

1. The applications are refused.

Reasons for the costs decision

2. The Government's planning practice guidance ("the Guidance") indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, the party may be subject to an award of costs.

3. The applicants claim that the Council unreasonably persisted with enforcement action after being informed that the planning condition supporting that action was unenforceable. It was maintained that the planning condition related to a planning permission that had not been implemented, because the farmhouse it permitted had been built in the wrong position and was therefore unauthorised. After I had scrutinised all the evidence that had been supplied to me, I recorded in my appeals decision that it appeared to me from the available information that the farmhouse was in fact built in the approved location and that the condition did apply to the land where the fence was sited.

4. I have therefore concluded that the Council did not act unreasonably in continuing with enforcement action in the circumstances. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and no awards of costs are justified.

D.A.Hainsworth

INSPECTOR