



Costs Decision

Site visit made on 19 May 2026

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2026

Costs application in relation to Appeal A Ref: APP/B1930/C/22/3311308 Land at Former Butterfly World, Miriam Lane, ST. ALBANS, Hertfordshire AL2 3NY

- 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 Bud Rescue and Recovery Ltd for a full award of costs against St Albans City Council.
 - The appeal was against an enforcement notice alleging change of use from visitor attraction to use for the stationing of caravans/shipping containers; vehicle sales and maintenance; storage of construction plant, materials & waste, scaffolding equipment; storage of vehicles, vehicle parts, motorcycles, household chattels & business use.
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Appeal B Ref: APP/B1930/C/22/3311314 Land at Former Butterfly World, Miriam Lane, ST. ALBANS, Hertfordshire AL2 3NY

- 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 Bud Rescue and Recovery for a full award of costs against St Albans City Council.
 - The appeal was against an enforcement notice alleging retention of toilet block.
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Decisions

1. The applications for awards of costs are 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. It is the applicant's contention that the Council acted unreasonably by failing to notify Mr Hull, an interested party, of the appeals against the enforcement notices. This led to the High Court challenge of the Inspector's decision dated 7 July 2025 being successful as Mr Hull had been denied the opportunity to make representation, which rendered the process procedurally unfair. The appeals were remitted for redetermination, and the appellant has been required to submit further updated evidence to support their case that planning permission should be granted for the alleged breaches of planning control.
4. The Council does not dispute that the Inspector's decision dated 7 July 2025 was remitted for redetermination following a successful High Court challenge by Mr Hull. While it is acknowledged that the Council had not directly notified Mr Hull of the appeals, it maintains it was the Planning Inspector's unlawful failure to

consider exercising discretion to allow flexibility under the Regulations and accept Mr Hull's late representations that rendered the procedure procedurally unfair. Given the Council's role as Second Respondent, they could not defend proceedings once the Planning Inspectorate, as First Respondent, had conceded to judgement in respect of Mr Hull's claim. Furthermore, Mr Hull had not been recorded as an interested party in the original enforcement investigation, nor was he identified as being an occupier of any property in the locality of the land to which the notices relate.

5. At the time the appeals were originally submitted Mr Hull's interest in the proceedings was not known. Mr Hull, on behalf of the Butterfly Trust, made no representations to the submission of the appeals first considered by Inspector Hitchcock. I do not doubt that the Council only became aware of Mr Hull's interest in the proceedings when he sought to make representations in respect of Inspector Walker's redetermination of the appeals.
6. Following the High Court's decision, the Council notified Mr Hull of the appeals, and his representations have been considered in the second redetermination of these appeals.
7. In accordance with procedural guidance, the applicant was provided an opportunity to respond to submissions made by Mr Hull and to update their previous submissions to address changes to local and national planning policies. The decision to provide additional, updated evidence to further their case was a decision for the appellant to take.
8. In these circumstances, I find the Council has not acted unreasonably and their behaviour has not put the applicant to unnecessary or wasted expense.

M Madge

INSPECTOR