Planning Inspectorate

Costs Decision

Site visit made on 14 October 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2026

Costs application in relation to Appeal A Ref: APP/W1525/C/24/3351048
Meadow Lane, Runwell, Wickford, Essex, SS11 7DX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Chelmsford City Council for a full award of costs against Mr Tom Harbour.
- The appeal was against the issue of an enforcement notice alleging a material change of use of the land for the siting of caravans for residential use.

Decision

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

The Case for each Party

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 Council argue that the entire appeal has been purposefully misleading. There are no gypsy and traveller families on the site and the gypsy issue is merely a smoke screen to smuggle through a market rent caravan site.

4. The appellant denies this and blames the historic lack of trust between the travelling community and the authorities for the lack of co-operation. He also argues that market rent caravans is a new issue, and nothing to do with the enforcement notice.

Reasons

5. The notice was directed against a residential caravan site. That is what a market rental site is. There is nothing in the notice to suggest the Council considered this was a gypsy site and the use of the phrase ‘market rental’ is used merely to clearly distinguish between the two uses.

6. I agree with the Council that they do seem to have made strenuous efforts to determine who was residing in the caravans. Various visits were made and records were kept of their interactions with the residents none of whom were gypsies until the last visit in 2024, after the issue of the enforcement notice, when a single gypsy family was identified. They also left gypsy and traveller needs assessment questionnaires at all the caravans, none of which were returned. By way of contrast the appellant’s evidence for gypsy status is entirely lacking. No mention of who was occupying the caravans was made until the final comments stage, when 5 families were identified by name, but no further information was supplied. Given

the Council had maintained from the very beginning that there were no gypsies on site and the gypsy issue was a red herring the lack of any counterevidence from the appellant was surprising, and to my mind revealing. I have considerable experience of dealing with gypsy and traveller cases and while it is true there is some reluctance to connect with the authorities on the part of the travelling community that is not usually an obstacle in providing at least basic information, especially when it is important for their own appeals. I cannot accept that as a reason for the lack of evidence in this case.

7. In my decision I found the site was not a gypsy site and my decision flowed from that finding. Demonstrating that the occupiers were gypsies was of crucial importance to the appellant's case and this they completely failed to do. An open market caravan site had no possibility of success when partially surrounded by a lawful gypsy site and washed over by the green belt and the persistent, unevidenced claims that it was a gypsy site only served to muddy the waters and prolong the process. This is clearly unreasonable behaviour by pursuing an appeal that had little chance of success and failing to provide evidence to support their case. A full award of costs is therefore warranted.

Costs Order

8. 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 Mr Tom Harbour shall pay to Chelmsford City Council, 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.

   The applicant is now invited to submit to Mr Tom Harbour, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Simon Hand

INSPECTOR