



## Costs Decision

Inquiry held on 21 and 22 May 2024

Site visit made on 22 May 2024

**by Martin Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 July 2024**

---

### **Costs application in relation to Appeal Ref: APP/C3430/C/24/3337033 Land South of New Acre Stables, Wolverhampton Road, Penkridge, Staffordshire ST19 5PA**

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr John Ward for a full award of costs against South Staffordshire District Council.
  - The inquiry was in connection with an appeal against an enforcement notice alleging without planning permission, the material change of use of land to a use for the stationing of a caravan for residential purposes.
- 

#### **Decision**

1. The application for an award of costs is refused.

#### **The submissions for Mr John Ward**

2. The costs application was submitted in writing at the Inquiry.

#### **The response by South Staffordshire District Council**

3. The response was submitted in writing at the Inquiry.

#### **Reasons**

4. 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.
5. The applicant asserts that the Council failed to undertake any meaningful enforcement investigation, in contravention of its own internal guidance, failing to explore the personal circumstances of the site occupier. Moreover, the Council failed to invite a planning application for the development, which would have been a reasonable step.
6. However, I note that the Council served two Planning Contravention Notices in respect of the unauthorised development. Neither of which were responded to. I also note that a planning application was submitted for the use of land for the stationing of caravans for residential purposes at the appeal site, which was refused by the Council. It would therefore be ill-considered of the Council to invite a further application for a development that has already been refused planning permission. As such, I find no deficiency in the investigation carried out by the Council and that it would not be reasonable to have invited a planning application for the development.

7. The applicant further asserts that the Council has failed to act consistently and not determined like cases in a like manner. I have been referred to the previous grant of temporary planning permission adjacent to the appeal site which recognised the site occupier's personal circumstances. However, a tenet of planning considerations, is that each case should be determined on its own merits, taking into account the unique circumstances. In this case, the site occupier benefits by being named as an occupier on an authorised site (albeit the subject of a temporary planning permission). Therefore, the balancing of material considerations is different in this case, than previously. I therefore find no inconsistency in the decision-making of the Council.
8. I have been invited to find that allocating the site to the north of the appeal site in the emerging development plan is inconsistent with enforcing against the development subject of the notice. However, as there are two distinct sites involved, and that allocation of land is a matter for consideration in drafting of a development plan, not when considering individual schemes, I find nothing that indicates that the Council has behaved, in any way, unreasonably in this respect.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*Martin Allen*

INSPECTOR