



Application for an award of appeal costs

You can use this form as a template if you wish to apply for costs in:-

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to give advance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice is withdrawn).

Notes to help you are in part D

A. Information about the claimant

Full name: South Staffordshire District Council

Address: Codsall, Wolverhampton

Postcode: WV8 1PX Your reference: 21/00125/UNCOU

Daytime telephone No: 01902 696000 Fax no:

Email address: appeals@sstaffs.gov.uk

Status (Appellant/Local Planning Authority/Interested Party):

Local Planning Authority

Agent's Name (if applicable): Agent's

Address:

.....

.....

Postcode: Reference:

Daytime telephone No: Fax no:

Email address:

Date Received (Official use)

B. Information about the party being claimed against

Full name: ...Mr Mark Gripton

Address:



Postcode

Status (Appellant/Local Planning Authority/Interested Party): Appellant

C. Information about the appeal

Planning Inspectorate appeal reference number APP/C3430/C/24/3350953

(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: South Staffordshire District Council

Description of the development:

Without planning permission, the material change of use of the Land for the permanent stationing of a caravan on the area coloured blue on Appendix 1 (included within Enforcement Notice) and associated domestic use of the Land, including the erection of a fire pit, surrounding pallet benches, timber posts and artificial grass located on the land coloured orange on Appendix 1, such use not being incidental or ancillary to the use of the land as an allotment development permitted by Appeal Decision APP/C3430/W/15/3006045.

Address of the site: Land at Levedale Road, Levedale, Staffordshire ST18 9AJ

D. Notes for guidance on your costs application – please read before going ahead

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal
- because of the unreasonable behaviour of the other party.

An award can only be made if both these tests are met.

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with an application, your attention is drawn to The National Planning Practice Guidance web-based resource, which contains advice on the award of costs, in the Appeals section.

While there is no formal procedure or application form for making an application for costs you can use the template (below) to make an application for costs in writing.

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Senior Courts Costs Office for an independent decision on the matter.

When using the costs application form, to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party.

Please also note there are time limits for making a costs Application depending on the procedure for deciding the appeal. The Award of Costs Guidance provides relevant information.

E. Your costs application

Please state whether you are applying for a full or partial award of costs and what you think is:

- the unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal

Unreasonable substantive behaviour includes:

- running points which have no legal basis;
- running substantive points with no evidence

South Staffordshire District Council contends that the appellant's appeal is without merit and unreasonable; the use of the District Council's time to respond to the appeal has been inefficient.

According to MHCLG's online [Advice on Planning Appeals and the Award Costs](#), costs may be awarded where unreasonable behaviour is substantive – relating to the issues arising from the merits of the appeal. The aforementioned website notes that "The right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. This may occur when:

- the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence; and
- in enforcement and lawful development certificate appeals, the onus of proof on matters of fact is on the appellant. Sometimes it is made plain by a recent appeal decision relating to the same, or a very similar development on the same, or substantially the same site, that development should not be allowed. The appellant is at risk of an award of costs, if they persist with an appeal against an enforcement notice on the ground that planning permission ought to be granted for the development in question."

As noted within the Council's Statement of Case and Final Comments, the appellant has interpreted Appeal Decision APP/C3430/W/15/3006045 to indicate there is no defined use of the land (i.e. they believe they can utilise the land in manners outside of the permitted allotment use). The appellant has confirmed that the allotment elements and use identified within the site plan approved within appeal decision APP/C3430/W/15/3006045 were removed several years ago. The appellant believes that as the approved site plan shows a single vehicle on the approved hardstanding, that grants consent for permanent storage of a caravan on the Land.

On 18 April 2024, the appellant issued an email to the Council, again emphasizing that they believe that permanent storage of the caravan on the Land does not require permission. The property owner suggested that the Council email the Planning Inspectorate to ask for a formal interpretation of Appeal Decision APP/C3430/W/15/3006045. The Case Officer responded to said email the same day informing the property owner that PINS does not accept informal email queries. This is noted within paragraph 6.15 of the Council's Statement of Case.

The District Council has explained to the appellant that the retrospective planning permission, granted after the service of an enforcement notice in 2014, defines the permission for the use of the Land. The appellant has not sought any other professional opinion (ie a planning agent or solicitor) but has instead indicated to the Council that an Enforcement Notice should be issued with the intention of appealing, to gain a formal opinion from the Inspectorate. Advice from a planning agent/solicitor would have been reasonable in this instance which would have confirmed that the appellant's stance in this appeal is without merit.

The appellant did not submit a Statement of Case but has submitted a lengthy Final Statement. Within their Final Statement, the appellant has not presented any material considerations such as national planning policy or other material considerations with supporting evidence. Neither has the appellant provided any legal basis to support the appeal. As noted within the MHCLG's Advice of Planning Appeals and Awards Costs, in enforcement appeals, the onus of proof on matters of fact is on the appellant. It appears to the Council that the appellant is attempting to argue that the continued use of the property for outdoor recreation/overnight camping has occurred for 15+ years. This is detailed within paragraph 2.4 of the Council's Final Comments. If the appellant is contending that the use of the property is time-immune from enforcement action, they have only provided two photographs as evidence, neither of which is date-stamped or a date provided. The appellant has provided no other supporting documents to prove that the appeal should succeed on either ground (b) or ground (c).

Within the appellant's Final Statement, they request several times for the Enforcement Notice to be quashed/cancelled. However, they list at the bottom of page four (4) of their Statement "What I would like to achieve from this appeal." It remains the Council's opinion that the appellant has a fundamental misunderstanding of the role of the Inspectorate in considering the validity of the Enforcement Notice. This is demonstrated in their removal of the caravan from the Land, despite advice from the Council against doing so, whilst also seeking "clarity from the Inspectorate if a vehicle can be parked on the hardstanding for any period of time" (point 5 of the appellant's "What I would like to achieve from this appeal)."

This contradiction is further evidence that advice from a planning agent/solicitor would have been reasonable in this instance.

It is clear that the appellant's appeal is entirely without merit and based on a complete misinterpretation and misunderstanding of appeal decision APP/C3430/W/15/3006045. South Staffordshire District Council contends that this unreasonable behaviour of submitting an appeal with no legal basis and with no evidence has caused unnecessary and wasted expense in responding to the appeal.

Please state whether you are applying for a full or partial award of costs and what you think is:

- your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)

South Staffordshire District Council is applying for a full award of costs.

The unnecessary or wasted expense in the appeal is staff time in responding to the appeal, comprised of the following:

- Technical Support Officer's time issuing and documenting all appeal correspondence, collating documents to PINS, collating Statement of Case documents into single PDF, updating District Council website with all appeal documents;
- Senior Planning Enforcement Officer's time answering Appeal Questionnaire, drafting Statement of Case, collating Appendices for Statement of Case, reviewing appellant's Final Statement, responding to appellant's Final Statement, collating Appendices for Final Statement, attending accompanied site visit (if Inspector deems site visit required) and correspondence with the appellant;
- Planning Enforcement Team Manager's time reviewing draft Statement of Case; and
- Planning Solicitor's time reviewing draft Statement of Case and application for costs.

Please sign below

I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs;

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)

Signature



On behalf of South Staffordshire District Council

Name (in capitals) EMMA POSILLICO

Date 20 February 2025

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our privacy notice.

See the link to the following page on GOV.UK
<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices>

Please note exceptions below but otherwise send this form and any supporting documents to:

The Planning Inspectorate Temple
Quay House
2 The Square Temple
Quay Bristol
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer.

Exceptions - please note:

(1) Householder Appeals Service (HAS) & Commercial Appeals Service (CAS)

Please ensure your costs application – if you wish to make one - is with your appeal form when submitting a HAS or CAS appeal. If you are submitting your costs application via the Planning Casework Service on the Planning Portal please attach it to the grounds of appeal as a separate document

If using the postal service please send your completed HAS/CAS appeal form along with your costs application to the address quoted on the appeal form.

(2) Tree Preservation Order (TPO) appeals

In the case of a written TPO appeal any application for costs should normally be made at the same time as the appeal. E-mail to: environment.appeals@pins.gsi.gov.uk or send the form to:

The Planning Inspectorate
For the attention of the Environment Team Room 3/25
Hawk Wing
Temple Quay House 2 The
Square Temple Quay Bristol
BS1 6PN