

## CHERWELL DISTRICT COUNCIL

### TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Mr James Doran against the serving of an Enforcement Notice

relating to land at The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire

Alleging the unauthorised change of use of the land to use as a caravan site currently accommodating one mobile type caravan designed for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of touring caravans and associated domestic paraphernalia.

Local Authority Reference: 20/00419/ENF

Planning Inspectorate Reference: APP/C3105/C/21/3268454

### **APPLICATION FOR COSTS BY THE LOCAL AUTHORITY**

#### **Rebuttal of appellants response to the application**

Response: The appeal was submitted under grounds a., d., f. and g. Only the appeal under ground d has been withdrawn and, by far the most written evidence was submitted in relation to the ground a appeal.

*Rebuttal: Whilst factually correct, this ignores the research and investigation that had to be carried out to respond to the ground (d), as well as the preparation for the hearing itself. It also ignores that without the ground (d) this matter would probably have proceeded by way of written representations rather than a hearing.*

Response: Withdrawal of the ground d appeal has taken place after the submission of all written evidence and, was in response to documentation attached to the Council's written statement which was not previously known to, or available to, the appellant. The response to a PCN is not a public document. Thus, withdrawal of the ground d appeal has not resulted in the Council having to produce any extra, or unnecessary, written evidence and, actually shortened the length of the Hearing..

*Rebuttal: This ignores the fact that the LPA's response, detailing the PCN response, was known to the appellant five months before the hearing. The Appellant had all that time to consider his position, ask for a copy of the PCN (no request was made) or raise anything further. To withdraw on the morning of the hearing when nothing had changed since exchange of the initial statements is about as unreasonable as it is possible to get. Our original submission quotes the PPG on this.*

Response: The Council's witness on grounds d, f and g (the Council's Enforcement Officer) was present throughout the Hearing and, attended the Inspector's site visit. Withdrawal of the ground d appeal has not caused the Council's Enforcement Officer to spend extra time at the Hearing.

*Rebuttal: Both the Council's solicitor and the Planning Enforcement Team Leader attended the hearing specifically to deal with this point. Ms Sedman was, and is, on maternity leave and broke that leave to attend.*

Response: No prior warning was given of the Council's Solicitor's presence at the Hearing, legal representation is not usual at Hearings and, he did not produce any evidence of his own.

*Rebuttal: There is no requirement to give any party notice of who is to attend a hearing with the intention of taking part. The Council's solicitor was present because of the factual/evidential nature of the ground (d) and assisted and advised on the initial response. He was present because the Council, having had nothing from the appellants on this previously, anticipated additional evidence being 'sprung' and clearly had the expertise to question any evidence or make any legal submissions on that. Notwithstanding the qualifications and experience of other officers, none are qualified in this respect.*

The appellant's response completely fails to address the essential unreasonable behaviour which was to withdraw a ground of appeal many months after it should have been obvious that, without further evidence, it was bound to fail. They allowed the Council to continue to believe that this ground would be pursued, at a hearing, and did nothing to warn the Council of the withdrawal. This is patently unreasonable behaviour.

The Council repeats its claim but for clarity accepts that any order can only refer to work carried out on the ground (d) appeal.