



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

|                            |          |                                                                                                                    |
|----------------------------|----------|--------------------------------------------------------------------------------------------------------------------|
| <b>Case reference</b>      | <b>:</b> | <b>CAM/12UE/PHA/2024/0600</b>                                                                                      |
| <b>Site</b>                | <b>:</b> | <b>Hartford Marina, Wyton,<br/>Huntingdon PE28 2AA</b>                                                             |
| <b>Park Home address</b>   | <b>:</b> | <b>Number 8, West Pontoon</b>                                                                                      |
| <b>Applicant</b>           | <b>:</b> | <b>Maureen Jaffe</b>                                                                                               |
| <b>Representative</b>      | <b>:</b> | <b>Public Interest Law Centre (Keith<br/>Coughtrie)</b>                                                            |
| <b>Respondents</b>         | <b>:</b> | <b>1.Tingdene Marinas Limited<br/>2.Huntingdonshire District Council</b>                                           |
| <b>Representative</b>      | <b>:</b> | <b>1.Stephen Wood, Legal Counsel<br/>(Tingdene Group)<br/>2.Ian Hawkings, 3C Shared<br/>Services</b>               |
| <b>Type of application</b> | <b>:</b> | <b>Costs – rule 13(1)(b) of the Tribunal<br/>Procedure (First-tier Tribunal)<br/>(Property Chamber) Rules 2013</b> |
| <b>Tribunal</b>            | <b>:</b> | <b>Regional Judge Wayte</b>                                                                                        |
| <b>Date of decision</b>    | <b>:</b> | <b>4 August 2026</b>                                                                                               |

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**DECISION**

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**The tribunal does not make an order for costs against the first respondent in favour of the second respondent.**

## **Background**

1. Huntingdonshire District Council seeks an order under rule 13(1)(b) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (the “rules”) that Tingdene pay their costs. Rule 13(1)(b) provides that the tribunal may make an order in respect of costs if a person has acted unreasonably in bringing, defending or conducting proceedings in a residential property case or a leasehold case.
2. The application was received by the tribunal on 13 July 2026, following confirmation that the Council need not attend the hearing of the substantive claim which took place at Huntingdon Law Courts on 14 July 2026. The Council seek to recover their counsel’s brief fee of £10,000 + VAT, said to have been incurred following a late application by Tingdene for a site licence.
3. I gave directions for the determination of the application on the papers on 15 July 2026. No request for a hearing was made and I am satisfied that this application can be determined justly and fairly without one.

## **The Law**

4. The leading decision on Rule 13 costs is *Willow Court Management Company 1985 Ltd v Alexander* [2016] UKUT 0290. In paragraph 43 the Upper Tribunal made it clear that such applications should be determined summarily and the decision need not be lengthy, with the underlying dispute taken as read. There are three steps: we must first decide if the respondent acted unreasonably. If so, whether an award of costs should be made and, finally, what amount.

## **Did the respondent act unreasonably?**

5. In deciding whether a party’s behaviour is unreasonable the Upper Tribunal in *Willow Court* cites with approval the judgment of Sir Thomas Bingham MR in *Ridehalgh v Horsefield* [1994] Ch 2005. It does so at paragraph 24 of its decision in these terms:

*““Unreasonable” conduct includes conduct which is vexatious, and designed to harass the other side rather than advance the resolution of the case. It is not enough that the conduct leads in the event to an unsuccessful outcome. The test may be expressed in different ways. Would a reasonable person in the position of the party have conducted themselves in the manner complained of? Or Sir Thomas Bingham’s “acid test”: is there a reasonable explanation for the conduct complained of?”.*

## **The Council’s case**

6. The application for costs was made on 13 July 2026 shortly after the Council had been excused from attending the hearing the following day. That hearing had previously been estimated to take 2 days but was concluded by the end of the first day.

7. In essence, the Council's case was that Tingdene has delayed unreasonably before submitting their new application for a site licence, thereby incurring counsel's brief fee for the hearing on 14 July 2026.
8. The Council had been joined to the dispute between Ms Jaffe and Tingdene on 16 July 2025 as the tribunal considered it desirable to be aware of the terms of the site licence when determining the express terms of the written agreement to occupy the mobile home. Tingdene had originally made their application for a licence in August 2024 but an impasse had been reached as to the extent of the land to be covered by that licence.
9. The Council provided a Position Statement on 22 August 2025. They eventually met with Tingdene on 29 May 2026 and agreed that Tingdene would submit a new application covering the whole of the West Pontoon and its parking area, so that the licence covered all the properties attached to that Pontoon, even though only two of them could be occupied for residential purposes (as opposed to being limited to holiday use).
10. That application was made on 25 June 2026, a week after the Council had given Tingdene a costs warning. The Council provided their draft conditions on 1 July and Tingdene replied on 3 July, with the licence finally being issued on 6 July. By that time counsel's fee for attending the hearing had been incurred, although the Council were excused from attendance on 13 July 2026.

### **The respondent's case**

11. Tingdene denied that any delay was unreasonable. They explained that at the relevant time, their planning team was reduced to one person, Mr Duthie. They had taken the initiative to arrange the meeting and put forward earlier dates than the 29 May 2026 which was the date chosen by the Council.
12. During the early part of June, Mr Duthie was engaged on other planning business. When chased by the Council on 19 June 2026, Mr Wood confirmed the application would be submitted the following week. At that stage, no reference had been made to a brief fee, simply the potentially wasted costs of attending the hearing on 14 July. No objection was raised to Mr Wood's email and the application was submitted on 25 June as promised.
13. The Council's barrister wrote to Tingdene on 29 June 2026 making a reference to a brief fee but without being specific as to any time limit, other than a request to resolve matters "very shortly". The Council issued the draft conditions in the afternoon of 1 July 2026, requesting a response by 5pm on 3 July but without any additional costs warning.
14. Tingdene replied at 5.12pm on 3 July 2026. That response was acknowledged by the Council that same day and the licence issued on 6 July 2026.

15. Tingdene also pointed out that the fee note provided by the Council indicated that 25% of the brief fee of £10,000 plus VAT became due on 1 July, a further 25% on 3 July and the balance on 7 July – after the site licence had been issued and it was therefore clear that attendance would not be required.
16. In the circumstances, Tingdene denied that any delay by them met the high bar of unreasonable conduct as set out in the case law summarised above.

### **The tribunal's decision**

17. There have been delays on both sides in this matter, with the original application for a licence dating back to August 2024. It would appear from the emails disclosed by Tingdene that following their suggestion, the Council opted for a meeting on 29 May 2026, which gave both parties a reasonably tight timeline for concluding matters. I also agree with Tingdene that the Council's costs warning was vague and appeared to be limited to the costs of attending the hearing. Tingdene are not lawyers and would not necessarily have been aware of a brief fee or that the Council intended to instruct a KC to represent them at the hearing.
18. Tingdene's licence application was submitted on 25 June 2026, over two weeks before the hearing. It was unfortunate that a further delay occurred but it is not clear why the draft conditions could not have been provided by the Council earlier than 1 July. Tingdene responded on 3 July only 12 minutes later than the deadline requested by the Council and the licence was issued on 6 July 2026, over a week before the hearing. It is also unclear why the Council waited until 13 July to request they be excused from attending the hearing.
19. The main excuse for Tingdene's delay from 29 May to 25 June 2026 was pressure of work. In the absence of clearer costs warnings and deadlines and bearing in mind the circumstances as set out above, I do not consider that the delay by Tingdene in submitting their licence application and agreeing the licence conditions amounts to unreasonable behaviour so as to justify a costs order under rule 13(1)(b).
20. In the circumstances there is no need to consider the other steps set out in *Willow Court*, other than to point out that the Council could have managed their own costs liability better, not least avoiding at least 50% of the cost as by 6 July (or even by 1 July) it was clear that counsel was not required.

### **Regional Tribunal Judge Wayte**

#### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).