

Costs Decision

Site visit made on 31 October 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 December 2016

**Costs application in relation to Appeal Ref: APP/C1570/W/16/3155245
Site rear of 75 Walden Road, Sewards End, Saffron Walden, Essex CB10 2LG**

- 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 Mr and Mrs B Barnes for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for erection of 2 dwellings and garages (outline application) and hardening of access surface.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The application for an award of costs is submitted on the grounds that the Council has acted unfairly, inconsistently and unprofessionally in refusing planning permission. The appellants argue that the site is surrounded by recent planning permissions, including a number of similar backland schemes, which confirm the sustainable location of the village setting.
 4. I have noted the highlighted examples of backland development elsewhere in the village but, as I have stated in my planning decision, I do not know the full background to these cases or the circumstances under which they were approved. It is therefore difficult to determine whether there are any direct parallels with the appeal scheme. I have therefore considered the proposal on its merits. My conclusion is that the scheme would be out of character with the prevailing grain of development which in the locality of the site is well defined. The appeal failed for this reason and it therefore follows that the appellants' evidence on this matter was a necessary part of the appeal process.
 5. It is put to me that the scheme should have been approved on the grounds that it complied with Policy H4 of the ULP. However, I have found that the proposal would conflict with this policy by reason of it causing disturbance to nearby properties. Even if I had reached a different conclusion on this point, the scheme needs to be assessed against the development plan as a whole and the failure to adhere to the provisions of Policies S7 and GEN2 means that overall compliance has not been satisfactorily demonstrated.
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6. The appellants state that the case officer wrongly believed the site to be in the paddock to the west. The site description within the officer report suggests that this may have been the case. However, I cannot be certain and have no means of knowing whether the Council would have granted planning permission had the error not been made. It is immaterial in any event, as the appeal did not succeed.
7. Drawing matters together, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For the reasons given above, I refuse the application for an award of costs.

Robert Parker

INSPECTOR