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## Costs Decision

Site visit made on 14 November 2017

**by R Norman BA (Hons) MA MRTPI**

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

**Decision date: 13<sup>th</sup> December 2017**

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### **Costs application in relation to Appeal Ref: APP/W1525/W/17/3180709 Sweetdrops, Lower Stock Road, West Hanningfield, Chelmsford CM4 9RD**

- 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 Chelmsford City Council for a full award of costs against Mr G Holdgate.
  - The appeal was against the refusal of planning permission for a replacement dwelling.
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### **Decision**

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

### **Reasons**

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council's application for costs is based to a substantial extent on the fact that there is no doubt that the appeal scheme amounts to inappropriate development and causes harm to the Green Belt which is clearly given substantial weight by the National Planning Policy Framework (the Framework) and that this can only be outweighed by very special circumstances. The Council consider that the Appellant has failed to make a case that his fall-back position amounts to the very special circumstances required in these types of Appeal.
4. In reviewing the submitted appeal documentation, it is clear that the proposed development represents inappropriate development and this is not a matter that is disputed by the parties. However, the issue is the level of weight given to the fall-back positions available to the appellant which could see the existing bungalow made larger. The appellant has outlined his position in relation to the weight that should be given to the fall-back position and, notwithstanding the outcome of the appeal which concludes that this would not amount to the very special circumstances required in these situations, nevertheless the appellant has not acted unreasonably in considering this to be the focus of his appeal case.
5. I therefore conclude that the appellant has not acted unreasonably in submitting an appeal on the basis of his fall-back position and therefore unnecessary expense during the appeal process has not been demonstrated.

For this reason, and having regard to all matters raised, an award for costs is therefore not justified.

*R Norman*

INSPECTOR