
Costs Decision

Site visit made on 23 July 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Costs application in relation to Appeal Ref: APP/C1570/D/19/3220167 Luss Cottage, Braintree Road, Great Dunmow, Essex CM6 1HT

- 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 Nicholas Hougham for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
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Decision

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

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the costs application.

Reasons for the Recommendation

3. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. It goes on to add that such unreasonable behaviour could include a lack of co-operation with the other party or delaying providing information.
4. The appellant has provided a copy of the formal pre-application advice which was sent to them by the Council on 24 April 2018 regarding a single storey extension to the rear of the property. However, the original pre-application advice request has not been provided. The appellant states that the Council's failure to advise on the options available under permitted development rights and their reluctance to clarify their interpretation of permitted development rights after the pre-application advice was received by the applicant, constituted unreasonable behaviour.
5. If pre-application advice was not explicitly sought on permitted development rights then it is not unreasonable for the Council to not offer advice on this. Furthermore, in the evidence provided by the appellant in the form of emails to and from the Council, the Council does not demonstrate a reluctance to assist the applicant and consistently refers to the pre-application service which it offers. It is considered reasonable for the Council to request that a separate pre-application procedure is undertaken for a different type of application and a

number of months from when the original advice was given. Furthermore, although the explanation of their advice relating to the interpretation of the GPDO was limited, the GPDO is itself clear.

6. It is not considered that the Council have demonstrated a lack of cooperation and there is no evidence to suggest that they have unreasonably delayed the development during the application or appeal process. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award of costs is not justified.

Conclusion and Recommendation

7. For the reasons given above and having had regard to all other matters raised, I recommend that an award of costs of refused.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

Andrew Owen

INSPECTOR