The Planning Inspectorate

Costs Decision

Site visit made on 15 July 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Costs application in relation to Appeal Ref: APP/Z1510/W/19/3227008
Land adjacent to 36 Gershwin Boulevard, Witham CM8 1QF

- 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 Taylor Wimpey UK Limited for a partial award of costs against Braintree District Council.
- The appeal was against the refusal of planning permission for the erection of a detached dwelling house.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. The PPG advises that local authorities are at risk of an award of costs if they behave unreasonably in relation to procedural matters at the appeal. Examples of this include withdrawal of any reason for refusal.

3. The applicant states that the Council failed to discuss concerns relating to highways prior to its decision and that as a result, unnecessary time and expense has been spent fighting the highways reason for refusal which could have been avoided. The applicant asserts that at no point during the lifetime of the application did the Council engage with the applicant to identify or deal with concerns relating to highway safety.

4. I agree it would have been beneficial for the Council to have raised concerns regarding highways prior to determination of the application. However, whilst this has meant the applicant has had to provide information regarding highways through the appeal process, the applicant would have been obliged to provide this information anyway to demonstrate that the appeal scheme would not harm highway safety. The applicant has therefore not been put to unnecessary or wasted expense.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M Savage

INSPECTOR