



Costs Decision

Site visit made on 27 August 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2019

**Costs application in relation to Appeal Ref: APP/X1545/W/19/3229871
Land adjacent Little Hill Farm, Mope Lane, Wickham Bishops,
Essex CM8 3JP**

- 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 A Stott for a full award of costs against Maldon District Council.
 - The appeal was against the refusal to grant outline planning permission for a single dwelling including determination of access.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) sets out that parties in planning appeals are expected to behave reasonably. It goes on to say that where a party has behaved unreasonably, and that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The PPG sets out examples of behaviour which may give rise to an award of costs against a local planning authority.
4. The applicant suggests that in reaching a decision contrary to a previous appeal and contrary to the recommendation of their Officer, and in their explanation of that decision, the Council has acted unreasonably.
5. It is not in itself unreasonable for Members to reach a different conclusion to their Officers or for the Council to refuse an application for development which had previously been granted planning permission.
6. I consider that the reasons for doing so were adequately explained in both the Appeal Statement and Costs Defence submitted by the Council in response to the appeal.
7. I also consider that there had been changes to the circumstances surrounding the application, notably the adoption of the Local Development Plan, which were appropriate to take into account and that these were also appropriately explained in the Appeal Statement of the Council.

Conclusion

8. I therefore find that the Council has not demonstrated any behaviour which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense.

S Dean

INSPECTOR