



Costs Decision

Site visit made on 9 September 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Costs application in relation to Appeal Ref: APP/A1530/W/19/3229116 Land at Timberlands Farm, Spring Gardens Road, Chappel CO6 2DW

- 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 D White for a partial award of costs against Colchester Borough Council.
 - The appeal was against the refusal of planning permission for erection of one self-build/custom built dwelling.
-

Decision

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

Reasons

2. 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.
3. The application for an award of costs comprises of a statement from the applicant that concerns policy referenced on the decision notice. It referred to the development as 'isolated' and the applicant considers it undermines the refusal reason making it unsubstantiated in light of the National Planning Policy Framework (the Framework) policy. They highlight that Colchester is an Essex Authority that works in partnership with other Councils, including Braintree District Council. It was a case involving Braintree v Secretary of State where isolation was discussed. The appellant seeks costs against the Council for relying upon Paragraph 79 of the Framework as the lead/principle element in their refusal reason.
4. The appeal decision relating to this Costs application explored whether the appeal development was isolated in the context of Paragraph 79 of the Framework. It was established Paragraph 79 was not directly relevant. The Council appears to have inadvertently used this policy in reference to functional isolation. However, the decision notice did refer to other reasons for refusal, including development in the countryside and being unsustainable. These were backed up by development plan policies. The reason for refusal did therefore not solely rely on Paragraph 79 of the Framework.
5. I find nothing to suggest that a decision was not made on the planning merits of the proposal. I also find no substantive evidence that the applicant incurred any additional expense.

6. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. I therefore determine that the costs application should fail and no award is made.

L Gilbert

INSPECTOR