



Costs Decision

Site visit made on 18 November 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 9 December 2019

Costs application in relation to Appeal Ref: APP/X1545/W/19/3232900 Sunnyside, Grange Avenue, Mayland, Chelmsford CM3 6BG

- 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 and Mrs Johnson for a full award of costs against Maldon District Council.
 - The appeal was against the refusal of planning permission for the demolition of an existing barn and replacement with an annexe.
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Decision

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

Reasons

2. The national Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and costs may only 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. There was some delay in validating the original application by the Council whilst it sought clarification from the appellant relating to the purpose and description of the proposal. Some of this centred around the description of the proposal as a dwelling or an annexe. I can understand that the Council would wish to be certain and clear about the nature of the intended building. Although I can see that there was some back-and-forth correspondence relating to this prior to validation, I do not find this to have been unreasonable.
4. I do not agree that the Council has ignored the Unilateral Undertaking. It is referred to in the officers' report although the Council recognise the advice in the PPG which favours planning conditions, if they can meet the relevant tests. I find nothing unreasonable in this respect. Similarly there is acknowledgement by the Council of the appellants' need for the additional accommodation. I can fully understand the Council's desire to refer to this in a sensitive manner in, what is a public document. This does not betray any lack of consideration of this as an issue, in my judgement.
5. Having assessed the Council's case, I consider that they have taken full account of the effects of the building on the surroundings. The relative size of the building compared to the existing one is referred to and the Council is obviously aware of the commercial buildings with the adjacent land.

6. The Council's case refers to specific objections to the proposal. They do not rely on vague or generalised assertions but, in my judgement, make clear and specific allegations of harm. It is not unusual for appeal statements to be more lengthy than committee reports and often the introduction of other appeal decisions is helpful and expected, even when they are not referenced in the committee report. I find nothing unreasonable about the length and content of the Council's statement. The fact that the officers' report acknowledges that the principle of providing additional accommodation in the form of an annexe can be acceptable is neither misleading nor inconsistent. The Council then go on to explain why this particular proposal is unacceptable in their view.
7. I consider that they have provided sufficient evidence and support for their case and the allegations of unreasonable behaviour set out by the appellant are not justified. As a consequence, I conclude that the Council's actions have not been unreasonable. Therefore, the conditions necessary for an award of costs have not been satisfied.

S T Wood

INSPECTOR