
Costs Decision

Site visit made on 29 October 2019 by Emma Worby BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

appointed by the Secretary of State

Decision date: 13 December 2019

**Costs application in relation to Appeal Ref: APP/P1560/W/19/3234819
85 Salisbury Road, Holland On Sea CO15 5LS**

- 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 John Coley for a full award of costs against Tendring District Council.
 - The appeal was against the refusal of planning permission for a three-bedroom bungalow.
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Decision

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

Reasons for the Recommendation

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. It adds that costs may be awarded against a Council if they prevent or delay development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, or fails to provide evidence to substantiate the reasons for refusal.
3. The applicant claims that the Council's decision, in going against the Officer's original recommendation for approval, was unsubstantiated and sufficient justification was not provided as the proposal was in compliance with policy HG14 of the Tendring District Local Plan (2007).
4. Although it is noted that the Council's Planning Officer did recommend the application for approval, the Planning Committee are able to reach their own conclusion which was sufficiently detailed within the Council's decision notice. Moreover, Policy HG14 states that as a guideline a minimum of 1m should be provided to side boundaries. It was not unreasonable therefore for the Committee to consider a greater distance would be appropriate in this case due to their consideration of the development being cramped on the plot.
5. 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 for costs is not justified.

Conclusions and Recommendation

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

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

7. 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