



Costs Decision

Site visit made on 26 February 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Costs application in relation to Appeal Ref: APP/H1515/W/19/3234463 Original Part Vegetable Plot and Commercial Woodyard, Chelmsford Road, Blackmore, Essex CM4 0SF

- 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 Trustees of A and G Meadows for a full award of costs against Brentwood Borough Council.
 - The appeal was against the refusal of planning permission for change of use from part vegetable plot and commercial wood yard into 9 dwellings (2 no semidetached and 5 detached units) all with single or double garages and gardens, includes improving existing vehicular and pedestrian access onto Chelmsford Road and new access from Spriggs Lane both onto new access roads within site and landscaping.
-

Decision

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

Reasons

2. The Government's Planning Practice Guidance states that irrespective of the outcome of the appeal, 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. Paragraph 046 of the PPG states that awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. The Council's Statement also clearly states the policies of Brentwood Replacement Local Plan Adopted August 2005 (LP) that the proposal would be in conflict with, in the view of the Council.
5. I note the reference to outline application in the questionnaire. However, from the wider evidence it is clear that the Council determined the application on the basis of a full application. Similarly, while I note the reference to the creation of a vehicular access onto Chelmsford Road, it is clear from the wider evidence that the Council determined the application on the basis that the existing access on Chelmsford Road would be used. While I acknowledge these errors as well as inconsistencies in the questionnaire, taking into account the wider evidence, I do not consider that the Council failed to reasonably evaluate these aspects of the proposal.

6. I note the evidence relating to the heritage statement, third party comments and site visit arrangements during the application process. I also acknowledge concerns regarding the service provided during the Council during the application process including a change in case officer and the application being put on a webpage. However, while I have taken these matters into account, costs cannot be claimed for the period during the determination of the planning application.
7. Third party comments were received as part of the appeal process. This is standard appeal process procedure as set out in The Planning Inspectorate's Procedural Guide. Accordingly, the Council did not behave unreasonably in this regard.
8. I do not consider that the Council failed to reasonably evaluate the application. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. Therefore, while I note the expenses incurred by the appellant during the appeal process, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Conclusion

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

R Sabu

INSPECTOR