



Costs Decision

Site visit made on 18 February 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2020

Costs application in relation to Appeal Ref: APP/M1520/W/19/3241443 Land adjacent to 24 Heilsburg Road, Canvey Island, Essex SS8 8HH

- 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 D.R. Bullock Builders Ltd for an award of costs against Castle Point Borough Council.
 - The appeal was against the refusal of planning permission for the construction of a 3 bedroom chalet with associated facilities and new public footpath.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, 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. This application essentially relies on the fact that the Council Officers recommended that planning permission be granted for the proposal, but the Council Members took a different course of action without adequate reason to do so.
4. The Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. It will be seen from my decision that I agree with Council Members and that there were sufficient grounds for refusing planning permission on grounds related to harm to the character and appearance of the area. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal. In addition, I have no substantive evidence to show that Members belonging to the Canvey Island Independent Party unreasonably influenced the discussion.
7. As a result, I cannot agree that the Council has acted unreasonably in this case. I am therefore not persuaded that the applicant was put to unnecessary or wasted expense.

Conclusion

8. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case and that an award of costs is not justified.

M Heron

INSPECTOR