



Costs Decision

Site visit made on 22 May 2020

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

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Costs application in relation to Appeal Ref: APP/C1570/W/20/3244400 Buildings To The Rear Of Mulberry House, Wenden Road, Arkesden CB11 4HD

- 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 Amherst Homes Ltd for a full award of costs against Uttlesford District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use of building "A" to B1 office. The change of use of building "B" to B2/B8 (Retrospective) Change of use of building "C" to B2/B8 (Retrospective) all as shown on the submitted plan.
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Decision

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

Reasons

2. The Planning Practice Guidance ("the PPG") 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. 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.
3. The Council failed to determine the planning application within the statutory time period and did not request an extension of time. I see no reason for this being anything other than unreasonable.
4. I acknowledge the officer's report for a previous planning application¹, and the concerns regarding the service provided by the Council for that application. I also note concerns regarding the communication with the Council during the course of the application subject of this appeal. However, the concerns of the Council for the proposal subject of this appeal were clearly articulated in the evidence submitted as part of the appeal. Therefore, it is likely that since the Council found the development to be unacceptable, that the appeal would have been submitted in any event. Consequently, the Council's unreasonable actions have not resulted in unnecessary expense in the appeal process.
5. For this reason, and having regard to all other matters raised, an award for costs is not justified.

R Sabu INSPECTOR

¹ Council ref: UTT/18/1179/FUL