
Costs Decision

Site visit made on 14 May 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2020

Costs application in relation to Appeal Ref: APP/J1535/W/20/3244967 Carpenters, High Road, Thornwood, Epping CM16 6LR

- 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 Des Rees for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for erection of two storey dwelling house.
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Decision

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

Reasons

2. The Planning Practice Guidance (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. It states examples of unreasonable behaviour include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The Council do not consider that they have behaved unreasonably and point out that the Planning Committee is entitled to come to an alternative view to as to the weight to be attributed to the emerging Local Plan. It is submitted that the Committee acted reasonably having regard to the fact that at the time of the committee meeting the examination into the soundness of the plan had not closed.
4. I accept that the Council have correctly identified that a Planning Committee decision which goes against officer advice is not a reason to give an award of costs in itself as the Committee were entitled to come to their own conclusions on the merits of the proposal.
5. It will be seen from my decision that I have afforded the emerging plan significant weight, however this is due to the submission of the Inspector's findings in relation to the emerging Local Plan, which was received by the Council subsequent to the decision having been taken by the Committee. Consequently, I do not consider the Council has acted unreasonably as they were entitled to reach a decision based on the evidence before them at the time.
6. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the

both the and Epping Forest District Local Plan 1998 and the Emerging Epping Forest District Local Plan 2017 that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its appeal statement.

7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G. Pannell

INSPECTOR