
Costs Decision

Site visit made on 23 June 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Costs application in relation to Appeal Ref: APP/X1545/W/20/3245200 Sunnybanks, Sandpit Lane, Burnham-on-Crouch, Essex CM0 8EE

- 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 Stephen Foster for a full award of costs against Maldon District Council.
 - The appeal was against the refusal of planning permission for the demolition of a bungalow to be replaced by two houses.
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Decision

1. The application for an award of costs against Maldon District Council is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, 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 expense in the appeal process. The PPG also advises that the behaviour of parties during the time of the planning application can be taken into account in deciding whether unreasonable behaviour has occurred, although the costs themselves can only be awarded in relation to unnecessary or wasted expense at the appeal.
3. The Applicant indicates that the application for costs is made on the basis that the Council behaved unreasonably in refusing planning permission.
4. I have not taken into account factors in relation to a previous planning application on the site, which does not bear on the appeal process relating to the appeal application. The pre-application negotiations between the Applicant and the Council in relation to a different site and different proposals did not bear on the appeal process relating to the appeal application. Any delays to the validation of the appeal application did not lead to any unnecessary or wasted expense at the appeal.

Conclusion

5. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

O S Woodward

INSPECTOR