
Costs Decisions

Site visit made on 28 July 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Costs Application A: in relation to Appeal Ref: APP/X1545/W/20/3245743 144B High Street, Maldon CM9 5BX

- 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 V Wilkinson for a full award of costs against Maldon District Council.
 - The appeal was against the refusal of planning permission for the extension and refurbishment of the existing coachhouse to form 1 no. residential unit.
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Costs Application B: in relation to Appeal Ref: APP/X1545/W/20/3247030 144B High Street, Maldon CM9 5BX

- 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 V Wilkinson for a full award of costs against Maldon District Council.
 - The appeal was against the refusal of planning permission for the extension and refurbishment of the existing coachhouse to form 1 no. residential unit.
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Decisions

1. Costs Applications A and B: The applications for an award of costs against Maldon District Council are both refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that 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. All of the reasons for refusal across both appeals were reasonable and planning based, and adequately justified, as can be seen from my decision on the appeal in relation to amenity space and habitats. Even though I have come to a different conclusion with regard to the issue of the loss of employment floorspace, the Council's reasoning was adequately justified, was based on adopted Development Plan policy, and they were entitled to come to the conclusion that they did.
4. I have been provided with no direct evidence that there were excessive delays during validation of the application, or that the allocation of a new case officer

led to an inability to revise the proposals ahead of a decision being made on the applications. It is not clear how revisions to the proposals could have overcome the employment and amenity space reasons for refusal in any event, because the loss of employment is an issue of principle, and the provision of amenity space in the courtyard area does not overcome the reason for refusal, as demonstrated by my decision on Appeal B.

5. As a result, it follows that I cannot agree that the Council has acted unreasonably in either case. As such there can be no question that the Applicant was put to unnecessary or wasted expense for either appeal.

Conclusion

6. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in relation to either Costs Application A or Costs Application B.

O S Woodward

INSPECTOR