The Planning Inspectorate

Costs Decision

Site visit made on 1 September 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd October 2020

Costs application in relation to Appeal Ref: APP/C1570/D/20/3250161
Old Rectory, Stortford Road, Leaden Roding CM6 1RE

- 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 Chapman for a full award of costs against Uttlesford District Council.
- The appeal was against the refusal of planning permission for proposed detached garage.

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 persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.

3. The appellants consider that the appeal was unnecessary and as a result of the Council's unreasonable behaviour in relation to its handling of the application. However, it will be seen from my decision that I have found that the proposed garage would be inappropriate development in the Green Belt. Consequently, the Council has not acted unreasonably by preventing a proposal which should have clearly been permitted.

4. In this instance in a previous appeal decision on the site, whilst dismissed as inappropriate development in the Green Belt, the Inspector recognised that the development would not result in harm to the character and appearance of the area and this is the same conclusion that I have reached in my decision.

5. Whilst it was a matter of judgement as to whether the development was harmful to the character and appearance of the area I consider the Council should have had regard to the previous Inspectors decision and given this greater consideration within their report, taking into account the changes to the size and scale of the garage that had been made following the Inspectors previous decision. As a result, it follows that I agree that the Council has acted unreasonably in this case.

6. I turn, then to the matter of wasted expense. In lodging the appeal, and in responding to the Council's case, the Appellant has had to respond to the

matter of character and appearance. But the Appellant's response is straightforward and has not involved extra assessment over that which would be reasonable required to respond to the council's case on openness in the Green Belt. Therefore, I consider that there has been little extra work involved in responding on the matter of character and appearance.

Conclusion

7. In conclusion, although I find that the Council acted unreasonably in persisting in objections to elements of a scheme which an Inspector has previously indicated to be acceptable this has not caused unnecessary or wasted expense. Therefore, the application for costs is refused.

G.Pannell

INSPECTOR