



Costs Decision

Site visit made on 19 October 2020

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2020

Costs application in relation to Appeal Ref: APP/J1535/W/20/3250679 The Firs, 191 High Road, Chigwell, IG7 5AS

- 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 was made by Impact Capital Real Estate for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing residential dwelling and replacement with eight apartments.
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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.
3. The application for costs states that the refusal of permission was vague and unsubstantiated, with the Council not having proper regard to the size and form of the extant permission on site. I do not agree with this assertion. The Council's Delegated Report shows that regard was paid to that extant permission and the physical form of the building it permitted. The Council's refusal was based on their judgement that there were material differences between the approved scheme and the scheme before them, and these were not vaguely expressed or unsubstantiated. I came to different conclusions on certain matters in this regard, but that was a matter of planning judgement and not any unreasonable behaviour by the Council. I also, of course, concurred with a number of the Council's objections to the scheme.
4. The application for costs further states that the refusal of planning permission relied on policies that were irrelevant to what is proposed, namely relating to development in the Green Belt and to residential extensions. That is true: the Decision Notice did include reference to irrelevant policies in respect of two reasons for refusal. However, both those reasons for refusal additionally cited either the relevant policies of the development plan, or else the relevant part of the National Planning Policy Framework. Thus, an appeal would still have been necessary to address the issues raised in the Decision Notice and the

Framework and hence the appellant was not put to any additional or wasted expense in the appeal process.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C J Leigh

INSPECTOR