



Costs Decision

Site visit made on 25 January 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Saturday, 08 May 2021

Costs application in relation to Appeal Ref: APP/C1570/D/20/3259282 Oak House, Bumpstead Road, Hempstead CB10 2PW

- 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 Mark Welbourn for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for the increase in height of existing wall and construction of fence.
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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 is in two parts. Firstly, in relation to procedural matters, the applicant cites the unreasonableness of the respondent in relying upon an unsubstantiated objection of the Highway Authority. Secondly, with regards to substantive matters, it is the applicant's case that the respondent was unreasonable in failing to have regard to issues concerning the landscape impact of the existing boundary wall and impact of the existing vegetation on intervisibility.
4. The applicant states that the appeal was unnecessary as the proposed development was in accordance with the development plan and there were considerations that the respondent failed to take into account. Whilst I recognise that the outcome of the application will have been a disappointment to the applicant, following consideration of the application on its merits, I have concurred with the Council in this regard.
5. In terms of substantive matters, the Highway Authority were consulted, provided objection to the scheme, and the Respondent acted upon this information in their refusal of the proposed development. Whilst I have concluded that the extent of highway land is unclear based upon the evidence provided as part of this appeal, it has not been demonstrated definitively that the land is incorrectly considered so.
6. Accordingly, I do not find that the Council have acted unreasonably. As such, I conclude that unreasonable behaviour resulting in unnecessary or wasted

expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

E Brownless

INSPECTOR