



Costs Decision

Site visit made on 13 May 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28th May 2021

Costs applications in relation to APP/X1545/W/20/3263085

The Commodity Centre, Braxted Park Road, Great Braxted, Essex CM8 3EW

- The applications are made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - Application 1 is made by Routebuy Ltd for a full award of costs against Maldon District Council.
 - Application 2 is made by Maldon District Council for a full award of costs against Routebuy Ltd.
 - The appeal was against the inclusion of conditions 3 and 4 of application ref: FUL/MAL/20/00587.
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Decision

1. Application 1 for an award of costs is refused.
2. Application 2 for an award of costs is refused.

Reasons

3. The Planning Practice Guidance 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.
4. Condition No. 3 seeks to prevent any seepage from oil and other liquid pollutants from lorries and cars using the marshalling area. Condition No. 4 seeks to ensure that any storage of oil or other pollutants do not drain to any watercourse, surface water sewer or soakaway.
5. The LPA had clear concerns in relation to the adverse effects of any such seepage into the land. While I have allowed the appeal regarding the deletion of condition No. 3, I am satisfied that the decision of the LPA was reasonably substantiated. Equally, it was reasonable for the appellant to claim that the stated conditions were unnecessary, and I have concluded that condition No 3 was not required.

Conclusion

6. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated by either party. Therefore, a full award of costs is not justified in either case.

Steven Hartley

INSPECTOR