



## Costs Decision

Site visit made on 25 June 2021

**by M Savage BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 August 2021**

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### **Costs application in relation to Appeal Ref: APP/X1545/X/20/3266187 The Barn, Steeple Road, Mayland CM3 6EG**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by Mr F Wiffen for a full award of costs against Maldon District Council.
  - The appeal was against the refusal of a certificate of lawful use or development for is within the curtilage of the premises a fenced enclosure to provide a drained all-weather surfaced area for exercising horses incidental to the [sic] of the occupation of the premises as a residential house..
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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. Awards against a party may be either procedural or substantive.
3. The appellant requests that an award of costs is made against the Council for the unnecessary expenditure incurred in having to pursue the appeal. The appellant asserts that the conclusion of the Council is not only wrong but perverse in its reasoning and is therefore substantive.
4. Although I have found that the application should have been assessed against Class F(a) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)('the GPDO'), as well as against Class E(a), I have drawn a similar conclusion to the Council, that the proposed development would not be incidental to the enjoyment of the dwellinghouse and is therefore development which requires planning permission.
5. It follows that the Council was not unreasonable in refusing the application and any costs incurred by the appellant were a necessary part of the appeal.

### **Conclusion**

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

*M Savage*

INSPECTOR