
Costs Decision

Site visit made on 1 September 2021

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Costs application in relation to Appeal Ref: APP/M1595/D/21/3268259 5 Branksome Close, Stanford-Le-Hope, Essex SS17 8BA

- 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 appeal is made by Mr Nick Tew for a partial award of costs against Thurrock Council.
 - The appeal was made against the refusal of planning permission for a front porch extension with pitched roof and single-storey side extension to be used as a garage.
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Decision

1. The application is dismissed.

Reasons

2. The Planning Practice Guidance advises that costs may only 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 Council was entitled to consider whether the proposal would have an adverse effect on pedestrian and highway safety. Drawing SL20.01.289-04A submitted with the proposal clearly indicated that parking provision would overlap the proposed porch. A further drawing upon which the Highway Authority made comment showed one of the parking spaces in front of the main part of the house. It is unfortunate that the Council did not state that the proposed porch would be less restricting upon vehicle manoeuvring than the existing porch. Nevertheless, due to the position of the proposed porch together with needing to manoeuvre into a garage door rather than the open car port, it would be extremely difficult to park two cars on the site without considerable awkward manoeuvring. The Council's Decision Notice clearly identified that awkward manoeuvring would be necessary to attempt to park on the frontage.
4. In my opinion, the Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds, and therefore, the Council's behaviour was not unreasonable when judged against the planning guidance. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J L Cheesley

INSPECTOR
