The Planning Inspectorate

Costs Decision

Site visit made on 14 September 2021

by Stephen Wilkinson BA BPl DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2021

Costs application in relation to Appeal Ref: APP/C1570/W/21/3268122
The Pygkle Brick Kiln Lane, Stebbing, Essex, CM6 3TU

- 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 Roland Rolfe for a full award of costs against Uttlesford District Council.
- The appeal was against the refusal of planning permission for the proposed demolition of an existing dwelling and erection of 3No. dwellings, creation of vehicular access and parking and associated landscaping.

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (the 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 expenses in the appeal process.

3. The application essentially relies on the fact that despite the officer's recommendation to grant planning permission Council Members took a different course without adequate reason to do so.

4. Planning Practice Guidance indicates that local planning authorities will be at a risk of an award of costs being made against them if they fail to produce evidence to substantiate the reason for refusal.

5. In this case, I have noted the recommendation of the Council's officers. However, the decision is one which is a matter of judgement. The Minutes of the Committee meeting indicate that several members visited the site in advance of the decision. They made their own judgement that planning permission should be refused.

6. Whilst I do not know what evidence the Members of the Planning Committee had before them in the Broseley appeal[1] I am satisfied that the Members site visit provided sufficient evidence to inform a counter view from that of the officers in this case.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant has been put to unnecessary or wasted expense.

[1] APP/L3245/W/15/3006489

Conclusion

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

Stephen Wilkinson

INSPECTOR