
Costs Decision

Site visit made on 26 November 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Costs application in relation to Appeal Ref: APP/J1535/D/21/3279164 83 Forest Road, Loughton, IG10 1EF

- 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 Chris Mobbs for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for the demolition of a rear conservatory and the construction of a single- and two-storey rear extension; the construction of a two-storey front extension; and conversion of the garage into habitable accommodation.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. 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.
3. In this case, the Council refused planning permission for a development that would involve the construction of front and rear extensions to the appeal property, both of which included first-floor elements. The decision notice referred only to a single two-storey element but was unclear as to which element of the proposal was deemed unacceptable.
4. The Council stated in its decision notice that 'the two-storey element of the proposal, due to its bulk and depth at first floor level being close to the boundary line with no. 81, would have an adverse impact on the adjacent neighbouring properties by way of loss of light and being overbearing'. In addition to lack of clarity as to which two-storey element was being considered, reference to 'properties' in the plural creates further confusion.
5. In the Officer's Report that related to the application, and which formed the Council's evidence for the resulting appeal, there was merely repetition of the reason for refusal with no supporting argument or evidence to substantiate the reason for refusal. The result was that the appellant had only vague and generalised assertions about the proposal's impact, which were unsupported by any objective analysis.
6. I note the existence of the Council's Development Management Charter, but in this instance, given the lack of any formal substantive information available to the appellant, regarding the Council's objection, for a considerable post-

decision period, I consider that the Council has largely failed to provide reasonably requested information, when a more helpful approach would probably have resulted in the issues to be considered being narrowed, thus reducing the expense associated with the appeal.

7. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Epping Forest District Council shall pay to Chris Mobbs, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Epping Forest District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J D Westbrook

INSPECTOR