
Costs Decision

Site visit made on 24 January 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Costs application in relation to Appeal Ref: APP/Z1510/W/21/3282273 39 Saffron Gardens, Wethersfield CM7 4BL

- 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 Miss Claire Pauly for a full award of costs against Braintree District Council.
 - The appeal was against the refusal of planning permission for the erection of a 2 no. bedroom dwelling with associated access and parking.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant has alleged that the Council behaved unreasonably by making decisions on an incorrect and/or inconsistent basis. However, as will be seen from my decision upon the planning appeal that is the subject of this application, the Council was justified in coming to the finding that the proposal would erode the established pattern and character of development in the locality.
4. Therefore, whilst I acknowledge that amendments to the scheme were made (in response to previous refusals, as well as during the determination period of the planning application¹), development was not prevented or delayed that should clearly have been permitted.
5. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Thus, having had regard to all matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR

¹ 21/02030/FUL