
Cost Decision

Hearing held on 15 December 2021

Site visit made on 16 December 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State.

Decision date: 10th February 2022

Costs application in relation to Appeal Ref: APP/P1560/W/20/3260443 Land North of Wick Lane, Ardleigh, CO7 7NS

- 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 David Salmon and Land Allocation Ltd for a full award of costs against Tendring District Council.
 - The appeal was against the refusal of outline planning permission including access, with all other matters reserved, for up to 50 residential dwellings.
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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. Examples of unreasonable behaviour which may result in an award of costs include lack of cooperation with the other party, delay in providing information and not agreeing a statement of common ground in a timely manner.
3. The applicant considers that the Council acted unreasonably in their failure to agree a statement of common ground and provide a list of suggested conditions in a timely manner and I am aware that these delays resulted in the submission of information up to and including the day of the hearing.
4. However, whilst the Council accepts there was a delay in agreeing the statement of common ground and conditions, discussions were taking place between the parties throughout and they advise that some evidence was only available to them in the week leading up to the Hearing.
5. Whilst I understand the sense of frustration which delays might have, it would not be reasonable to conclude that the Council had behaved unreasonably in the procedure leading up to the appeal on the basis of the information before me. Despite the delays in providing the statement of common ground the Hearing was able to take place without adjournment and the applicant has not provided any evidence that the delays lead to any unnecessary or wasted expense.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

G. Pannell

INSPECTOR