



Costs Decision

Site visit made on 4 January 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2022

Appeal Ref: APP/X1545/W/21/3273786

144B High Street, Maldon CM9 5BX

- 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 Vernon Wilkinson against the decision of Maldon District Council.
 - The appeal was against the refusal of planning permission for a full planning application for the extension and refurbishment of existing coach house to form 1 No. residential unit (Amended application to previously refused scheme 19/01234/FUL to show additional amenity space).
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Decision

1. The award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) is clear that costs may only be awarded against a party who has acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The Guidance further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally, the Guidance is clear that an application for costs will need to demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant argues that he has been put to unnecessary and wasted expense in having to make a case in respect of the Council's refusal reasons. It is also argued that the Council acted unreasonably as the reasons for refusal are unsubstantiated by stating that the development is contrary to the Maldon District Council Local Development Plan 2014-2029 (LDP) and the Maldon District Design Guide 2017 (MDDG). The applicant refers to dwellings granted planning permission to the rear of the appeal site as an example of where a development has been granted subject to a planning condition requiring the submission of proposed boundary treatments and with a smaller amenity area than proposed.
4. It is evident from the Council's written statement and delegated report that it set out the reason for refusing planning permission with reference to both the LDP and the MDDG. The reports from the Council clearly identify what the matters of concern were and how they conflicted with the development plan. Thus, I am satisfied that the reasons for refusal as set out on the decision notice are not unsubstantiated.
5. Several issues regarding developments and historic planning permissions at the site have also been raised in the applicant's final comments. Although I

acknowledge that the appeal site did gain consent for a live/work unit in 2013, this permission has since expired and pre-dates the MDDG. Consequently, it carries very little weight as a material planning consideration.

6. The appellant also refers to two cottages to the rear of the appeal site that were approved with smaller amenity areas than those as part of the appeal proposal. However, there is nothing before me to demonstrate the circumstances that led to these cottages receiving planning permission so that I can assess them in relation to the planning merits of the case before me. In any event, in this instance, I found that the decision before me hinged on the quality of the amenity space, and not its quantity.

Conclusion

7. Thus, I am satisfied that the Council gave sufficient consideration to the planning application and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and an award of costs is not justified.

Graham Wyatt

INSPECTOR