



Costs Decision

Site visit made on 18 January 2022

by G Pannell Bsc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2022

Costs application in relation to Appeal Ref: APP/P1560/W/21/3276871 3 Rosemary Road, Clacton on Sea, CO15 1NY

- 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 Marios Aristidou for a full award of costs against Tendring District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for retention of retail unit and creation of 1 ground floor studio flat and 1 ground floor one bed flat. Removal of existing rear extension and creation of amenity space and provision of cycle spaces.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the 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 application was not determined by the Council and had been registered with it for some months. It appears that the application was dealt with by a number of officers at the Council and that this attributed in part to the delays. However, it is clear that there was ongoing dialogue between the parties and the most recent officer during the consideration of the application.
4. 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.
5. It will be seen from my decision that I have found harm related to the proposed outlook for future occupiers and that this failed to accord with the development plan and any other material considerations. Consequently the Council has not acted unreasonably by preventing a proposal which should have clearly been permitted.
6. The reasons have been adequately substantiated by the Council in its appeal statement. The statement demonstrates how the proposal would result in an unacceptable form of development as the statement has made clear reference to the proposal's impact on future occupiers.

7. 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