
Costs Decision

Site visit made on 8 March 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Costs application in relation to Appeal Ref: APP/W1525/W/21/3279156 Land North of Mill Road, Great Waltham, Chelmsford CM6 3PE

- 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 Mrs Claire Benbrook for a full award of costs against Chelmsford City Council.
 - The appeal was against the refusal of planning permission for the proposed conversion of one existing building to a single residential dwelling and the conversion of one other building to an ancillary residential use with associated garden and landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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. Local Planning Authorities are encouraged, through the PPG, to exercise their development management responsibilities by relying only on reasons which stand up to scrutiny on the planning merits of the case.
3. In refusing the planning application, the Council referred to Policies S1 and S7 and of the Chelmsford Local Plan. In respect of these, the wording of Policy S1 is clear that it applies to all new proposed developments, irrespective of scale.
4. Therefore, the Council acted reasonably in assessing the development against the requirements of this policy. In particular, I note that there is a requirement within this policy that all new developments are located in areas that are well connected and are sustainable. The evidence before me indicates that these two objectives have not been met. Therefore, in refusing the planning application, the Council did not rely upon vague and generalised justification.
5. I have also been referred to Policy S7. This policy sets out a spatial strategy for developments within the Council's district. In essence, irrespective of the scale of development the policy seeks to direct development towards the most appropriate locations. The evidence before me is indicative that owing to the location of the proposed development, harm would emanate. Therefore, the fact that this policy has been breached and harm would result means that the Council's decision was properly reasoned.

6. In reaching this view, I have also had regard to the fact that the cited planning policies have been found to be in conformity with the National Planning Policy Framework.
7. The appellant has highlighted other policies within the development plan which the proposal might accord with. Although this may be the case, conformity with one development plan policy does not necessarily mean that all other relevant policies have also been complied with. Therefore, I am unable to find the approach taken by the Council in relying upon breaches of planning policy to be unreasonable, particularly as harm would arise from the development.
8. The Council considered the planning application on the basis that the proposed development were to be a two-bedroom dwelling. The submitted plans show that one of the rooms within the dwelling would be a home office. The Council clearly explained the reasons why it believed it could be used as a bedroom. Therefore, I am unable to find that this approach was unreasonable given that it was fully justified.
9. In addition, in considering the appeal, I gave consideration as to whether a condition preventing the room from being used as anything other than its described purpose could be imposed. However, the evidence before me was not indicative that such a condition would meet the statutory tests as prescribed within the framework. Therefore, as such a condition could not be reasonably imposed, I therefore find that the approach taken by the Council to have been fully explained.
10. In consequence, there is no evidence that is indicative of the appellant being subjected to unreasonable or unnecessary costs in submitting the appeal against the refusal of planning permission.
11. In result, I cannot agree that the Council has acted unreasonably in this case. As such, I do not believe that the appellant was put to unnecessary or wasted expense. Therefore, an award of costs is not justified.

Conclusion

12. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Benjamin Clarke

INSPECTOR