



Costs Decision

Site visit made on 22 March 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Costs application in relation to Appeal Ref: APP/W1525/D/21/3289246 25 Galleywood Road, Great Baddow, Chelmsford CM2 8DH

- 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 Mr P Monk for a full award of costs against Chelmsford City Council.
 - The appeal was against the refusal of planning permission for the construction of five brick piers with motorised entrance gate, brick screen walls, metal railings, entrance control and low level lighting.
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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.
3. The applicant considers that the Council has acted unfairly and unreasonably in refusing the application, and that planning permission should have been granted.
4. The PPG states that types of behaviour which may give rise to a procedural award of costs against a local planning authority include a lack of co-operation with the other party. The applicant submits that they were not informed of the planning officer's name or provided with contact details during the application.
5. Nevertheless, co-operation with the applicant by the Council is apparent from the amendment to the scheme which occurred during the application process. Contact between the parties would have been necessary in order to achieve this. There is minimal other evidence on the matter and therefore there is no compelling evidence before me to suggest that the Council showed a lack of co-operation with the applicant.
6. The PPG states that where a Council has refused a planning application for a proposal that is not in accordance with development plan policy, and no material considerations indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against them for unreasonable refusal of an application. I consider that these circumstances arise in this case and consequently that the Council did not prevent or delay development which should clearly be permitted.

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

C Beeby

INSPECTOR