



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: 6th May 2022

Costs application in relation to Appeal Ref: APP/C1570/W/21/3279035 Heath End, Sheering Road, Hatfield Heath CM22 7LJ

- 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 and Mrs D Hayzelden for a full award of costs against Uttlesford 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 a new dwelling with off-street car parking and private amenity space.
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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 application contends that the Council's failure to issue a decision on the application within the prescribed period resulted in additional costs associated with the submission of an appeal. The application requests costs only in the scenario where the appeal is allowed and hence planning permission is granted.
4. The applicants provide a timeline of their actions. The Council refers to factors which contributed to delays.
5. The PPG sets out that councils are at risk of an award of costs where they prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Notwithstanding this, I have concluded in my Decision on the appeal that the development should not be permitted, having regard to these considerations. It follows, therefore, that in this instance the Council did not prevent or delay development which should be permitted.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

C Beeby

INSPECTOR