The Planning Inspectorate

Costs Decision

Site visit made on 17 May 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert (Urb) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Costs application in relation to Appeal Ref: APP/J1535/D/21/3277384
Little End, Hoe Lane, Nazeing, Waltham Abbey EN9 2RJ

- 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 Chavinash Dookhit for a full award of costs against Epping Forest District Council.
- The appeal was against the refusal of planning permission for the demolition of an existing garage/workshop and the erection of a replacement garage/workshop in the same position.

Decision

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

Reasons

2. The Planning Practice Guidance 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 indicates that the Council has erred in concluding that the appeal proposal would be inappropriate in the Green Belt. In accordance with the appellant's views, the inappropriate development exception at Paragraph 149 d) and not at 149 c) of the National Planning Policy Framework (the Framework) has been found relevant in my assessment.

4. However, assessing the relevant exception requires judgement which is subjective. As indicated in the main decision, there are situations where buildings adjacent to dwellings can be considered extensions. Although I disagreed with the Council's approach, the replacement garage/workshop would provide additional living floorspace and it provided quantitive and qualitive evidence of the size increase. Consequently, it has provided realistic objective analysis to support its position on inappropriate development. It has not unreasonably prevented or delayed development which should clearly be permitted, having regard to its development plan, national policy, including the Framework, and any other material considerations.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jonathon Parsons

INSPECTOR