



Costs Decision

Site visit made on 28 June 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2022

Costs application in relation to Appeal Ref: APP/H1515/W/21/3278204 63 Tallon Road, Hutton, Brentwood CM13 1TG

- 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 Michael Mulvaney for a full award of costs against Brentwood Borough Council.
 - The appeal was against the refusal of planning permission for construction of a new office building, alongside ancillary vehicle access, parking, and associated development.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant states that the Council have behaved unreasonably through failure to give an opportunity to make minor amendments to the proposed development, and the inaccuracy of comments from the Highways Authority.
4. The matter of whether or not amendments could have been submitted to the planning application, relates to the Council's processes and practices. The Council have stated that such amendments are at the case officer's discretion and that their practices on this matter are communicated on its website. The Council state that, in their opinion, the changes required were not minor and would have required a process of re-consultation. While I appreciate this would have been frustrating for the applicant, this is a matter of judgement for the Council and I do not find that the Council's behaviour was unreasonable in this regard. Furthermore, based on the evidence before me, I have no convincing evidence to suggest that, even if amendments had been accepted by the Council, that the proposal would have been acceptable and that the appeal process would have been avoided entirely.
5. The comments submitted by the Highway Authority were a consultee response which, based on the Council's officer report, were a consideration in the Council's decision. The officer report considers that consultation response in the context of other material considerations and the development plan. While the comments from the Highway Authority were not clear regarding which parking standards were not achieved, this is clarified within the officer's report, which

explains that the concern related to the displacement of the existing parking spaces. I find the comments of the Highway Authority were appropriately considered as a consultee response, and unreasonable behaviour did not occur in this respect.

Conclusion

6. For the reasons given, I find that the Council did not behave unreasonably, nor do I have evidence that the expense of the appeal unnecessary or wasted. Consequently, the application for costs is refused.

C Shearing

INSPECTOR