

Costs Decision

Site visit made on 15 August 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

**Costs application in relation to Appeal Ref: APP/C1570/W/22/3294001
Brooklands Farm, High Street, Clavering, Saffron Walden, Essex CB11 4QW**

- 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 John Noble for a full award of costs against Uttlesford District Council.
 - The appeal was made against the refusal of planning permission for solar panels to provide green electricity to Brooklands Farmhouse.
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Decision

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

Reasons

2. *Planning Practice Guidance* 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. It is alleged that the council acted unreasonably given that the officer report and reason for refusal were confused, in parts referring erroneously to a different site. The applicant therefore considers that the inclusion of inaccurate and incorrect information made the decision to refuse questionable; and had the council only had regard to relevant information, the decision may well have been one of approval and an appeal may not have been necessary.
 4. The council accept that there are elements of the report and decision notice that relate to a different site and are the result of failing to fully amend a different application report when drafting this one. The scale of the errors, the failure of proof reading and the apparent lack of detailed oversight of the final report, represents unreasonable behaviour by the council. The council accepted these errors occurred but failed to address all the errors identified by the appellant.
 5. It would appear however that the appellant was able to understand the report and its findings. There were email exchanges before the decision was issued in which the position of both sides was relatively clear. The appellant catalogued the errors and also traced the erroneous sections of the report and the decision to a previous report by the council. However, there is nothing before me to suggest that the council officers considered anything other than the proposal before them; or that they would have come to a different conclusion had the
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drafting errors not taken place. A full award of costs is not justified as an appeal was inevitable.

6. The investigatory work by the appellant to identify the source of the errors would have taken time but this was not a necessary exercise as part of the appeal submissions. As the concerns with regard to the proposal appear to have been fully understood, they were able to be addressed by the appellant. In this respect, the unreasonable behaviour by the council did not result in additional work for the appellant.
7. Overall, the council acknowledged that there had been significant shortcomings with regard to the application report which followed through into the decision notice. Whilst the scale of the errors does represent unreasonable behaviour, I am not satisfied that it had any impact on the decision. I am also not satisfied that the errors resulted in the need for additional work. Whilst unsatisfactory, an award of costs is not justified.

Peter Eggleton

INSPECTOR