



Costs Decision

Site visit made on 29 March 2022 by Thomas Courtney BA(Hons) MA

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2022

Costs application in relation to Appeal Ref: APP/M1595/W/21/3280702 Wick Place Cottage, Brentwood Road, Bulphan, RM14 3TJ

- 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 G. Pinkerton for a full award of costs against Thurrock Borough Council.
 - The appeal was against the refusal for the demolition of existing outbuildings, replacement of former smithy to create new dwelling and erection of new dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, 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. It goes onto state that local planning authorities are at risk of an award of costs if they behave unreasonably in relation to procedural and substantive matters at the appeal. The applicant states that the Council were delayed in providing the Appeal questionnaire and did not submit an Appeal Statement to substantiate the reasons for refusal. According to the applicant, this amounts to unreasonable behaviour that could give rise to a procedural award and is also an example of unreasonable behaviour that could give rise to a substantive award.
4. Whilst there may have been a delay in providing the Appeal Questionnaire, the document was ultimately sent to the Planning Inspectorate and there is no evidence to support the contention that this delayed the issuing of a decision or that the Council did not engage appropriately with the applicant. Thus, whilst the Council clearly should have adhered to set timescales, the delay did not lead to any unnecessary cost.
5. Furthermore, I find that the Council exercised their planning judgement dutifully despite not providing an Appeal Statement to support their case. From the submissions, it is evident that the reasoning related to the proposed development has been clearly substantiated within the Officer Report. Local Planning Authorities are not obliged to submit an Appeal Statement as the reasons for refusal have already been substantiated at the application stage. The Council's decision to not provide an Appeal Statement has not reduced the significance or adversely impacted the appeal process and eventual decision. I

do not find, therefore, that the applicant has incurred unnecessary expense on the appeal process.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, I recommend that the application for an award of costs is refused.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall refuse the application for costs.

Chris Preston

INSPECTOR