



Costs Decision

Site visit made on 9 January 2023

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Costs application in relation to Appeal Ref: APP/P1560/W/22/3303540 Owl Lodge, Vicarage Lane, Thorpe-Le-Soken, CO16 0EH

- 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 Mrs Hickford for a full award of costs against Tendring District Council.
 - The appeal was against refusal of planning permission for two detached 3 bedroom bungalows.
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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.

The Application

3. The council failed to properly consider the concerns raised by the Inspector within the previous appeal. A full award of costs is justified since the council has failed to produce evidence to substantiate each reason for refusal, and by failing to accept that the current appeal scheme has resolved the concerns raised by an Inspector on a previous appeal scheme.

The Rebuttal

4. In response, the council points out that it submitted the 13 page delegated report as evidence and so have not failed to provide evidence as alleged. The reports at Tendring are very detailed, and considered more than sufficient to support the reasons outlined.

Conclusions

5. As will be seen from my decision issued on this case, I have not decided in favour of the appellant on the substantive question of whether the proposed development should be permitted. But, that does not necessarily mean that the claim for costs is not justified.

6. However, in this case, as is quite usual with written representations, the council relied upon the officer's report. Since the refusal of permission was largely on the basis of the council's up-to-date development plan policies, the relevant policies were set out quite extensively. These policies and the other considerations dealt with led logically to the recommendation for refusal. There is no obligation on the council to agree to the appellant's arguments about the previous appeal decision on this site, only to support it decision with evidence.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Terrence Kemmann-Lane

INSPECTOR