
Costs Decision

Site visit made on 7 March 2023

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Costs application in relation to Appeal Ref: APP/J1535/C/21/3284559 49 Manor Road, Chigwell IG7 5PL

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Epping Forest District Council for a full award of costs against Mr Mohammad Chaudhry.
 - The appeal was against an enforcement notice alleging without planning permission: The change of use of the land and the pool house from a private residential use to a mixed use of residential and commercial use for parties, events, and video shoots.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The PPG confirms that the aim of the cost's regime is, amongst other things, to encourage all involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. The PPG states that one example of unreasonable behaviour which may result in an award of costs against an appellant is providing information that is shown to be manifestly inaccurate or untrue.
4. The Council claims that the appellant acted unreasonably in so far as the appellant has provided no evidence in relation to his ground (b) appeal, other than a vague statement that the appellant has a large family. Therefore, the Council consider that they have been put to unreasonable expense in defending this appeal which had little chance of success.
5. It was for the appellant to consider on which grounds to appeal. Whilst the appellant may have been misguided regarding their supporting evidence, they have nevertheless provided some information on this matter in their appeal form. Although, it will be seen from my decision that I disagree with the

appellant, some, albeit limited, evidence has been put forward to support the appellant's claim. Therefore, the appellant's claim is not quite unsubstantiated. I also note that the appellant is unrepresented, and therefore is unlikely to be fully aware of the appeal process, regarding planning enforcement and all of the different grounds of appeal when dealing with an enforcement notice. It follows that I am satisfied that the appellant has not acted unreasonably by making this claim.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the Council's claim for costs fails.

R Satheesan

INSPECTOR