



Costs Decision

Site visit made on 21 February 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Costs application in relation to Appeal Ref: APP/J1535/W/22/3302083 Land at Cobbins End Farm, Cobbinsend Road, Waltham Abbey, EN9 2AA

- 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 Ms R Skeffington for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of the Council to grant planning permission for the construction of a ménage for the exercise and training of horses.
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Decision

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

Reasons

2. Irrespective of the outcome of appeal, the Planning Practice Guidance (PPG) indicates that costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The applicant submits that the Council has exhibited unreasonable behaviour in relation to procedural matters.
3. In determining the planning application, the applicant alleges that the Council failed to communicate or overcome the issues identified in the officer report despite their willingness to co-operate. Although the National Planning Policy Framework encourages proactive and effective engagement between applicants and local planning authorities throughout the planning process, there is no statutory requirement to do so. Consequently, whilst I recognise the frustrations of the applicant, this does not to my mind, constitute unreasonable behaviour.
4. I am told by the appellant that two previous applications relating to the appeal site were held in abeyance for a period of 18 months, pending the adoption of the Council's Air Pollution Mitigation Strategy. It is understood that these applications were subsequently withdrawn by the applicant and the planning application to which the costs application and appeal relate was prepared. Nevertheless, based on the evidence before me, the relevance of these applications, other than that they relate to the appeal site is unclear. Therefore, I am unable to come to any definitive conclusion on this point.
5. Although the Council's reason for refusal erroneously refers to the provision of stables, the construction of a manege is clearly stated on the description of development and referred to explicitly within the Committee report. For these reasons, I am satisfied that the Council's reasoning was substantiated on the understanding that the proposal related to the construction of a manege. Consequently, the error was not so fundamental that the reason for refusal was

flawed. Therefore, whilst I appreciate that the error was unfortunate, it does not amount to unreasonable behaviour.

Conclusion

6. For the reasons outlined above, I cannot agree that the Council acted unreasonably in this instance. As such, there can be no question that the applicant was put to unnecessary or wasted expense. I therefore find that unreasonable behaviour as described in the PPG has not been demonstrated.

H Wilkinson

INSPECTOR