
Costs Decision

Site visit made on 2 May 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Costs application in relation to Appeal A Ref: APP/X1545/W/22/3297100 Mill Farm, Stoney Hills, Burnham-on-Crouch, Essex CM0 8QA

- 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 Mrs P Green for a full award of costs against Maldon District Council.
 - The appeal was against the refusal of an application for planning permission described as "Land to the rear of Mill Farm: Proposed 4 new chalet styled bungalows".
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Costs application in relation to Appeal B Ref: APP/X1545/W/22/3303229 Mill Farm, Stoney Hills, Burnham-on-Crouch, Essex CM0 8QA

- 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 Mrs P Green for a full award of costs against Maldon District Council.
 - The appeal was against the refusal of an application for planning permission described as "Land to the rear of Mill Farm: Proposed 4 new chalet styled bungalows".
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Decision

1. The application for an award of costs in respect of both Appeal A and Appeal B is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby cause the party applying for costs to incur unnecessary expense in the appeal process.

Appeal A

3. The appellant alleges unreasonable behaviour but has given no detail as to the nature of that or how it has resulted in wasted expense in lodging the appeal.

Appeal B

4. The appellant alleges unreasonable behaviour due to the unreasonable determination for refusal but has given no detail as to why the Council was unreasonable in refusing the application or how it has resulted in wasted expense in lodging the appeal.

Conclusion

5. I therefore find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated in respect of either Appeal A or Appeal B.
6. I conclude therefore, that the applications for an award of costs should be refused in respect of both Appeal A and Appeal B.

A Berry

INSPECTOR