



Costs Decision

Site visit made on 20 June 2023

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Costs application in relation to Appeal Ref: APP/X1545/W/22/3303355 14 Southminster Road, Tillingham, Essex CM0 7UF

- 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 Millen for an award of costs against Maldon District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of 7 dwellings with the retention of the existing dwelling.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The applicant contends that the Council has failed to determine the application within the statutory period and was unable to present the case to the July 2022 planning committee due to inconsistencies with design comments and a delayed response to requests for feedback. The applicant also contends that the Council raised an objection on highway grounds on 28 June 2022 citing policy changes from August 2021, but the previous appeal was determined in November 2021 where the Inspector deemed it acceptable on highway safety grounds.
4. It is unfortunate that there were delays in the Council processing the application and managing consultee comments effectively. However, it does not follow that a timelier process would have avoided a reason for refusal relating to design matters. Although it will be seen from my appeal decision that I disagree with the Council on design matters, they substantiated their concerns in this regard. Therefore, an appeal would have been necessary on such matters regardless of the time taken.
5. The previous appeal decision only looked at highway safety matters as they related to parking provision. The policy changes made by the local highway authority in August 2021 regarding visibility splays may have come too late to form part of the previous appeal process. While there were errors in the identification of the correct speed limit, the existence of the previous appeal decision did not prevent objections relating to visibility splays.

6. In summary, while there has been unreasonable behaviour from the Council in terms of its handling of the application, it has not been demonstrated that this has resulted in unnecessary or wasted expense in the appeal process. Therefore, no award of costs is made.

Tom Gilbert-Wooldridge

INSPECTOR