



Costs Decision

Site visit made on 21 August 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Costs application in relation to Appeal Ref: APP/X1545/W/23/3316449 Fairview, 8 Kings Road, Southminster, Essex CM0 7EJ

- 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 Mr and Mrs John and Catherine Newcombe for a partial award of costs against Maldon District Council.
 - The appeal was against the refusal of planning permission a single storey home.
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Decision

1. The application for a partial award of costs is allowed in the terms set out below.

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.
3. The applicant contends that the Council's did not have adequate reason to refuse the application in relation to reason for refusal No. 2 relating to onsite car parking provision.
4. It will be seen from my decision that I disagree with the Council and that there was not sufficient justification for refusing planning permission on grounds relating to the amount of onsite car parking provided by the proposed development. The plans clearly demonstrate three car parking spaces were proposed which complies with minimum standards required by the Maldon District Local Development Plan, Supplementary Planning Document, Vehicle Parking Standards (2018).
5. The Council's decision to refuse planning permission for reason for refusal No. 2 failed to stand up to scrutiny on appeal. The Council's decision was not well founded and was unreasonable. I therefore consider the Council's unreasonable behaviour has resulted in the applicant incurring wasted expense.

Conclusion

6. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated with regard to reason for refusal No. 2 and that an award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Maldon District Council shall pay to Mr and Mrs John and Catherine Newcombe, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to reason for refusal No. 2; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Maldon District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Pipe

INSPECTOR