



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: 19 September 2023

Costs application in relation to Appeal Ref: APP/W1525/W/22/3311909 Seven Acres Farm, Crows Lane, Woodham Ferrers, Chelmsford, Essex CM3 8RS

- 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 Chelmsford City Council for an award of costs against Mr Peter Evans.
 - The appeal was against the refusal of planning permission for change of use of agricultural land to storage yard and the demolition of an agricultural building replaced with a boat storage building and the laying of hardstanding.
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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.
3. The Council contends that the Appellant progressed the proposed development despite being aware of the conflict with national and local planning policies.
4. A previous appeal¹ was dismissed at the appeal site for the same caravan storage facility. The proposed boat storage building has been reduced in the ridge and eaves heights, and different materials were proposed to assimilate the building into the rural area. An earth bund and planting were also proposed as part of the development.
5. The Inspector when assessing the previous appeal carefully considered the development and found that the use was inappropriate for the site and that the proposed landscaping shielding inappropriate development would not be good design as it merely limited the immediate effect.
6. Whilst I agree with the previous Inspector, the proposed development has been revised in an attempt to overcome the visual impact associated with the development.

¹ APP/W1525/W/21/3268220

7. Notwithstanding this it will be seen from my decision that I agree with the Council and that there were sufficient grounds for refusing planning permission relating to the effect of the proposal on the character and appearance of the area.
8. Whilst I have found in the Council's favour in terms of the proposed development, I do not believe that the Appellant acted unreasonably given the revisions to the proposal. Nevertheless, in light of my findings on the matter and those of the previous Inspector, the Appellant should carefully consider the matter of progressing a similar proposal to avoid any prospect of an award of costs being made in the future.
6. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

C Pipe

INSPECTOR