



Costs Decision

Site visit made on 6 October 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Costs application in relation to Appeal Ref: APP/J1535/D/23/3317246 Ivy Cottage, Bournebridge Lane, Stapleford Abbots, Essex RM4 1LU

- 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 M Phillips for a full award of costs against Epping Forest District Council.
- The appeal was against the refusal of prior approval for enlargement of the dwelling by construction of an additional storey.

Decision

1. The application for 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. The applicant considers the Council behaved unreasonably through their treatment of the application, which the applicant considers was more aligned to the determination of a planning application, rather than a prior approval.
3. As set out in the appeal decision, I do not consider the Council were unreasonable to have regard to the context of the site in assessing the effects on the external appearance of the building. It is a matter of judgement as to whether consideration is given to these matters. While the GPDO¹ does not explicitly require consideration of the development plan, it can nonetheless be a material consideration in assisting the assessment of the effects on external appearance. The reason for refusal refers to parts of the National Planning Policy Framework which were relevant to the prior approval matter. While I have disagreed with the Council in its assessment, I do not find that its consideration of the application amounted to unreasonable behaviour.
4. There is not substantive evidence to support that the Officer did not visit the site, and the Council assert that it does not have a blanket approach to the refusal of similar prior approvals, which it has evidenced through providing an example of one which it has recently granted. In any event, each application will inevitably be assessed according to its own circumstances.

Conclusion

5. For the reasons given, unreasonable behaviour resulting in unnecessary or wasted expense, as set out in the PPG, has not been evidenced.

¹ Town and Country Planning (General

C Shearing

INSPECTOR