



Costs Decision

Site visit made on 16 January 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Costs application in relation to Appeal Ref: APP/C1570/W/23/3322137 Maidens Barn, Green Street, High Easter CM3 1HU

- 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 Forest Contracts Ltd for a full award of costs against Uttlesford District Council.
- The appeal was against the refusal of planning permission for the retention and completion of two side extensions to former barn and installation of a bio-mass boiler for disposal of wood.

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 submits, in summary, that the Council made vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis, and that it failed to produce evidence to substantiate its reasons for refusal on appeal. This is alleged to have resulted in wasted cost.
4. I have had regard to the planning decision as a whole, taking into account the decision notice and planning officer's report. The details, when taken as a whole, are specific and relevant to the scheme before me, albeit the Council does in part sway into matters which are not relevant (previous applications and potential enforcement matters). As I have set out in the main decision, I have not considered any alleged unauthorised development at the site. Nevertheless, the Council, in its evidence, clearly states the policies of the development plan which the appeal proposal is considered to conflict with and has satisfactorily substantiated this. The Council also takes into account the referenced Environmental Permit, insofar as it is relevant to the appeal.
5. It is evident from the main decision that I have disagreed with parts of the Council's reason for refusal and agreed with others. Nevertheless, I am satisfied that the Council's overall determination of the application was credible and that it was entitled to reach the decision it did.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price INSPECTOR