



Costs Decision

Site visit made on 29 May 2024

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Costs application in relation to Appeal Ref: APP/J1535/X/24/3337480 The Barn, Silver Lane, Willingale, Ongar, Essex CM5 0QR

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr Tony Cicchirillo for a full award of costs against Epping Forest District Council.
- The appeal was against the refusal of a certificate of lawful use or development for a single storey side extension.

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 application seeks a substantive award of costs relating to the Council's consideration as to whether The Barn is within the curtilage of a listed building, Clapgate Farmhouse.
4. I have determined that it is not necessary, in considering whether a development complies with Article 3 and Part A, Section 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, to ascertain whether or not the dwellinghouse is listed by virtue of being within the curtilage of a listed building.
5. Nevertheless, I note the advice from Historic England that it is for the Council to determine whether a building is within the curtilage of a listed building. The Council's response to the application for costs sets out, in detail, the process they undertook to come to their conclusion. They received professional advice, in particular from their Conservation Officer, with reference to appropriate guidance, including that of Historic England, and consulted with the appellant. The process that led to the Council to conclude that The Barn falls within the curtilage of the listed building at Clapgate Farmhouse was not unreasonable.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

AJ Steen

INSPECTOR