



Costs Decision

Site visit made on 1 May 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2024

Costs application in relation to Appeal Ref: APP/J1535/W/23/3330067 Little Merryweathers, Epping Road, Roydon, Harlow, Essex CM19 5DW

- 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 & Mrs M & C Humes for a full award of costs against of Epping Forest District Council.
 - The appeal was against the refusal of planning permission for is proposed increase in Roof height by 300mm and the addition of three Front and two Rear dormers.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Costs cannot be claimed for the period during the determination of a planning application. However, behaviour and actions at the time of a planning application can be taken into account in consideration of whether or not costs should be awarded.
3. The applicant outlines that the planning application was submitted to the Council on 11 July 2023. The submitted evidence indicates that the determination date for the planning application was 11 September 2023.
4. The applicant indicates that the Council failed to determine the application within the time limits, and did not provide a reason for the delay. Consequently, the applicant submitted an appeal against non-determination on 24 September 2023.
5. The PPG advises that if it is clear the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation as to the reasons for the delay. Additionally, in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.
6. The Council failed to determine the planning application. The application for costs is made on the basis that the Council has exhibited unreasonable behaviour as a consequence of its delay in the determination of the planning application. I have not been provided with any reasons for the delay by the

Council. This indicates to me that the Council exhibited poor communication with the applicant.

7. However, the Council has given reasons as to why permission would not have been granted had the application been determined within the relevant period. I, too, have found that harm would arise in that regard. It follows that the Council has shown that it was able to substantiate its concerns and, had the application been determined, it is unlikely that an appeal would have been avoided. While I note the financial implications for and costs accrued by the applicant in the intervening period, for the above reasons there has been no unreasonable behaviour that has led to unnecessary expense in the appeal process.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for costs is refused.

B Pattison

INSPECTOR