



Costs Decision

Site visit made on 25 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Costs application in relation to Appeal Ref: APP/C1570/W/23/3328115 Land North of Walson Way, Stansted CM24 8EU

- 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 Bertroy Homes Ltd for a full award of costs against Uttlesford District Council.
- The appeal was against the refusal of the Council to grant planning permission for the erection of 8 no. 3-bed semi-detached dwellings together with parking and amenity space.

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 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 appellant considers that the Council applied undue weight to the Essex Design Guide (EDG) in its assessment of the application and used this as the basis of their assessment.
4. Whilst I consider that the manner in which the Officer's Report addressed the compliance with the EDG was flawed, by using it as a starting point, the conclusions reached were nevertheless valid. The Council was quite entitled to use the EDG as a material consideration in its assessment of the application. I have no reason to conclude that the outcome would have been different had the Council applied the provisions of the EDG in a more judicious manner. Moreover, its conclusions have been confirmed in my own assessment.
5. I have considered the example of a costs award in relation to an appeal at 10-12 Chapel Street, Luton¹. However, I have been unable to find any direct parallels to the development in hand here as the Council did assess the development proposed in relation to policy and other material considerations and demonstrated this in the Officer's Report as a whole.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Nick Bowden

INSPECTOR

¹ APP/B0230/W/20/3256275