



Costs Decision

Site visit made on 10 July 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 07 August 2024

**Costs application in relation to Appeal: APP/C1570/W/24/3339952
Grange Green Barn, Grange Green, Tilty Grange Road, Tilty,
Essex CM6 2EQ**

- 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 Mrs Jo Jordan for a partial award of costs against Uttlesford District Council.
- The appeal was against the refusal of the Council to grant planning permission for two single-storey rear extensions.

Decision

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

Reasons

2. Paragraph 30 of the government's Planning Practice Guidance ("the PPG") advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers that the Council acted unreasonably in failing to properly assess the proposal in relation to the impact upon ecological interests, resulting in the expense of an unnecessary appeal. They further consider that insufficient weight was given to a Bat Survey¹ to accompany their application.
4. Following the initial assessment of the proposal, the Council requested that the appellants conduct an emergence survey to determine whether bats roost in a roof space directly affected by the proposal. The appellant did not conduct any subsequent surveys and the Council determined the application on the information submitted up to that point.
5. Whilst the Council's consultant did not visit the site first-hand, the Council is entitled to rely on a professional opinion based on photographic and written evidence submitted, which they did. Both parties sought professional advice. However, it is not uncommon for professional opinions to differ in their conclusions based on evidence before them.
6. The Council had identified an issue, based on the advice of a suitably qualified person, that it considered fundamental and which it considered could not be resolved without additional information. The Council subsequently refused planning permission. Its decision was supported at appeal by the provision of an officer's report and a statement, It will be seen from my decision that I was

¹ Essex Mammal Surveys: Bat Survey of Grange Green Barn (November 2023)

satisfied that the Council had substantiated its reasons for refusing the application in regard to biodiversity, having regard to relevant Acts of Parliament, development plan policies and the National Planning Policy Framework.

7. The appellant has tested the Council's decision through the appeal process, rather than preparing and providing additional information. However, it will be seen from my decision that I was satisfied that the Council had substantiated its reason for refusing the application, due to the building's harmful effect on biodiversity. The appellant has therefore not incurred unnecessary or wasted expense in so doing.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

I A Dyer

INSPECTOR