



Costs Decision

Hearing held on 9 July 2024

Site visit made on 9 July 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Costs application in relation to Appeal Ref: APP/C1570/W/24/3343330 Land Off Deynes Road, Debden, Saffron Walden

- 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 Ravendene Holdings Ltd for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for the erection of 9 bungalows with associated works.
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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, 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 is seeking a full award of costs and highlights both procedural and substantive issues. It is alleged that during the appeal the Council failed to adhere to deadlines, particularly with regard to the preparation of the Statement of Common Ground and indicated that the Council acted unreasonably by adding three extra reasons for refusal on the decision notice in addition to the sole reason for refusal set out in the officer report. It is put to me that the Council failed to substantiate the reasons for refusal.
4. While it is also suggested that irregularities regarding a heritage response from Essex County Council led to the case being withdrawn from an earlier planning committee this is a separate issue relating to administrative matters, which should be addressed directly with the Council and are not matters on which I can comment as part of this costs decision. Furthermore, applications for costs are limited to those costs incurred during the appeal process. Therefore, while I have noted the points raised about additional costs incurred because of the late publication of the heritage response, any costs associated with the planning application process itself fall outside the scope of this application.
5. At the hearing the Council provided a verbal rebuttal to the costs application and accepted that delays in responding to the appeal timetable meant that deadlines were missed. It was explained that delays were due to the original officer leaving the Council and the loss of one working day due to the general election taking place. I am of the view that while the delays were unfortunate, the Council did maintain a dialogue and despite the delays, sought to provide

the requested documentation and information during the appeal following the request for an extension. This brings me to conclude that no unreasonable behaviour occurred in this regard.

6. The application was recommended for approval in an initial officer report that was subsequently withdrawn. A second officer report was published with one reason for refusal relating to heritage. However, it was refused at committee after discussion and debate on four grounds, because in the committee's view, the scheme would fail to preserve the setting of the nearby listed building, be detrimental to the character and appearance of the area, would not be acceptable in highway safety terms and result in the loss of agricultural land. In doing so, it would be contrary to the provisions of saved Policies ENV2, S7, GEN2, GEN1 and ENV5 of the Uttlesford Local Plan (2005).
7. The Council is not duty bound to follow the advice of its professional officers or statutory consultees, however if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
8. While the appellant may disagree with certain matters raised by Members of the Council, and notwithstanding that the committee minutes are brief, it seems to me that regard was had to the representations made, the officer report and relevant planning policy. The reasons for refusal clearly identified the alleged harm arising from the proposal. This is a matter of planning judgement, notwithstanding the contents of the officer report and the comments from the local highway authority.
9. Within the Council's appeal submissions, on balance, I consider that sufficient efforts were made to substantiate the reasons for refusal and provided me with satisfactory information to understand their case on the main issues, including on highway safety, despite some conflation between matters of highway safety and character and appearance in relation to the infrastructure proposed. As such, I am satisfied that the reasons for refusal were substantiated adequately, clearly demonstrating on planning grounds why the proposal would be unacceptable in their view.
10. I appreciate the applicant's frustrations that a planning balance had been undertaken in the original officer report, which then had a different outcome in the second report presented to members. Nevertheless, it was not unreasonable to have considered the heritage response and come to a different view on this matter.

Conclusion

11. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Harrison

INSPECTOR