



Costs Decision

Site visit made on 1 October 2024

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

Costs application in relation to Appeal Ref: APP/J1535/W/24/3337934 16 Eleven Acre Rise, Loughton IG10 1AN

- 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 Declan O'Driscoll for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for installation of air conditioning condenser units to the pair of new houses.
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Decision

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

Reasons

2. 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. This can include the failure to substantiate a reason for refusal, or refusing planning permission on a planning ground capable of being dealt with by conditions.
3. The Council's ultimate decision will have been a disappointment to the applicant given the officer's recommendation for approval. However, it is not unreasonable for a Planning Committee to reach a decision contrary to the professional advice received, provided the reasons for refusal can be adequately substantiated.
4. In this case, as is apparent from my conclusions in relation to the appeal, I consider that material reasons exist for opposing the development at 'House A' on both acoustic and visual grounds, and that conditions would not be appropriate to address these concerns. The Council was therefore not unjustified in refusing planning permission for the reasons given.
5. I therefore find that the Council has not acted unreasonably with respect to the substance of the appeal. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

A Caines

INSPECTOR