



Costs Decision

Site visit made on 24 September 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Costs application in relation to Appeal Ref: APP/M1595/W/24/3340998 10 Chestnut Avenue, Thurrock, Grays RM16 2UJ

- 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 I Virk for a full award of costs against Thurrock Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing garage and creation of new 3 bed, 5 person dwelling with secured cycle storage and bin storage. Alterations to existing dwelling comprising of hip to gable roof extension, new porch, and single and two storey rear extensions. Erection of new outbuilding to both resulting dwellings and creation of new hardstanding and vehicle access to serve existing and new dwelling.
-

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. The applicant's case is made on substantive and procedural grounds.
3. Although brief, the reasons for refusal are sufficient to explain the Council's concerns regarding the proposal and the effect on the character and appearance of the area. With matters of character and appearance, there is often a strong degree of judgement employed. It will be seen from my decision letter that, based on the merits of the proposal and evidence before me, I agreed with the Council that the proposed development would cause some minimal harm to the character and appearance of the area. Nor is the Council's final decision bound by the officer recommendation.
4. The proposed development closely reflects the design of 12 Chestnut Avenue. Whilst the PPG advises that a local planning authority may be at risk of a substantive award of costs if they fail to determine similar cases in a consistent manner insufficient evidence has been provided that the Council approved any similar forms of development at No 12.
5. The matters raised in the reason for refusal by the Council also related to issues where there was a reasonable potential for difference of opinion. On the evidence before me, I do not consider that the Council has acted unreasonably in this regard.

6. The appellants have indicated that they were subject to unfair treatment during the committee meeting. However, the minutes of the meeting identified that the vote to refuse the application was very close and only came after the motion to move the officer recommendation of approval was forwarded and seconded. The minutes also reflect that the Planning Committee were alive to considering the planning merits of the case. The failure of live streaming of the meeting is not untoward or an unusual occurrence.
7. The Council advises that there is an open planning enforcement case for the outbuilding. Although it has been stated that it is permitted development, I have no evidence that this is the case. It is not unusual for the Council to advise for construction to stop whilst they undertake investigations.
8. Although the experience of the applicant may not have been ideal, this does not fall within the examples which give rise to a procedural award of costs. It follows that I do not find unreasonable behaviour on the part of the Council, or unnecessary or that wasted expense, as described in the PPG, has been demonstrated. Therefore, a full award of costs is not justified.

Conclusion

9. I conclude for the preceding reasons that an award of costs is not warranted.

K Williams

INSPECTOR