



Costs Decision

Site visit made on 7 November 2024

by O S Woodward MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2024

Costs application in relation to Appeal Ref: APP/J1535/Y/24/3345315 Marden Ash House, Stanford Rivers Road, Ongar, Essex, CM5 9BT

- 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 Prashant Patel for a full award of costs against Epping Forest District Council.
- The appeal was against the refusal of listed building consent for repointing and repairs to existing garden wall, forming new gate openings, rebuilding part of the garden wall, and a perimeter path at the base of the garden walls.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 appellant indicates that the application for costs is made on the basis that the Council behaved unreasonably in refusing listed building consent. As can be seen from my appeal decision, I found the works to be acceptable. However, this was a complex case with overlapping considerations regarding some existing and some proposed works, and considerations of detailed design and materials approaches in the context of a listed building, its curtilage and its setting. The reason for refusal was specific and based on reasonable grounds, and the Council's case was thorough and well-argued.
4. The email from Maria Kitts, a conservation officer at the Council at the time of the email, is ambiguous. It refers to rebuilding of the wall but it is not clear which part of the wall. In any event, this does not address the gates, repointing or perimeter path. The Council was not, therefore, unreasonable to refuse the works in the context of the advice contained in the email.

Conclusion

5. Overall, therefore, I find that the reason for refusal was reasonable and that the Council's case was adequately justified and I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

O S Woodward

INSPECTOR