



Costs Decision

Hearing held on 11 February 2025

Site visit made on 11 February 2025

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Costs application in relation to Appeal Ref: APP/C1570/W/24/3352902 Land West of Thaxted Road, Saffron Walden, CB10 2FY

- 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 Uttlesford District Council for a partial award of costs against Mr Neaves (Chase New Homes).
 - The appeal was against the refusal of consent for reserved matters submission for the appearance, layout, landscaping, and scale of 168 dwellings (outline reference S62A/2022/0014).
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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, Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural (i.e. relating to the process) or substantive (i.e. relating to the issues arising from the merits of the appeal), with non-exhaustive examples of each set out in the PPG¹.
3. The costs regime is designed to address unreasonable behaviour in the appeal process. The Council's case in this instance primarily relates to a perceived lack of co-operation in seeking to resolve their reasons for refusal. It does not relate to complying with procedural matters or behaviour at the appeal stage, where there is no evidence of unreasonableness. The Applicant was not duty bound to comply with the Council's 'requirements' and was entitled to test the merits of the Council's reasons through the appeal process.
4. I see nothing preventing an appeal being brought in circumstances where a further related decision has been made under S62A Town and Country Planning Act. The Applicant refers to that decision in their evidence and accepts that it is capable of being a material consideration. Both parties were asked for views on the implications of that decision, and an extant high court challenge to it, prior to the hearing taking place.

¹ Paragraphs 047,049,052 and 053

5. The S62A decision does not make the Applicant's wish to test the merits of the Council's decision amount to unreasonable behaviour. Nor does it appear to be an attempt to frustrate or wear down the planning appeal process with frivolous proposals.
6. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D R McCreery

INSPECTOR