



Costs Decision

Site visit made on 4 March 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Costs application in relation to:

Appeal A Ref: APP/Z1510/W/24/3348822

Appeal B Ref: APP/Z1510/Y/24/3348823

3 Foundry Lane, Earls Colne, Essex CO6 2SB

- In respect of Appeal A, 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).
 - In respect of Appeal B, the application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5)
 - The application is made by Mrs H Lawrence for a full award of costs against Braintree District Council.
 - Appeal A was against the refusal of planning permission for 'erection of single storey side extension (following demolition of existing single storey side attached shed structure and section of boundary wall), together with internal alterations to form an opening between the dining room and extension (following removal of the existing window)'.
 - Appeal B was against the refusal of listed building consent for 'erection of single storey side extension (following demolition of existing single storey side attached shed structure and section of boundary wall), together with internal alterations to form an opening between the dining room and extension (following removal of the existing window)'.
-

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 ('the 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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. Examples given in the PPG of behaviour that may give rise to a substantive award include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. In support of its decisions to refuse the appeal applications, the Council refers to comments provided by its Built Heritage Consultant. However, its officer report additionally includes explanation setting out where it did not agree with their comments in respect of concealment of the inset rubble wall, indicating to me that it also gave proper consideration to the content of the response. Although the Council is the Local Planning Authority, it is not in my view unreasonable for it to

rely on the views of a consultee insofar as it agrees with their position, as it has done in this case.

5. In considering the proposal, the Council acknowledged approvals on the appeals site for 'erection of single storey extension, alterations to utility room and replacement garage' subject to applications in 2004¹ ('the 2004 Scheme'). As my appeal decisions record, the front part of the extension now proposed would be similar to that which could result from the extant 2004 Scheme, but the overall proposal would result in solid built form of greater height, depth and width. It would additionally include alterations to the fabric of the listed building that were not part of the earlier approvals.
6. These differences mean that the effects of the schemes on the listed building are not directly comparable and I have found that the current proposal would result in a greater adverse impact on the listed building such that the 2004 Scheme would attract limited weight as a fallback. I agree with the Council that it does not justify the current proposal and in this context, I cannot agree with the applicant that the Council failed to give sufficient weight to the extant 2004 Scheme approvals.
7. In my view, the Council's evidence adequately substantiates its position, explaining clearly the basis for its concerns having appropriate regard to the 2004 Scheme. Indeed, I have also found that there would be unacceptable harm to the host listed building. I have reached a different overall conclusion to the Council in respect of the proposal's effect on the Earls Colne Conservation Area, but this ultimately reflects a matter of planning judgement and I am satisfied that the Council has provided sufficiently clear and precise explanation of why it considered harm would arise.
8. Overall, I find the Council's reasons for refusal of each application were well founded and it has not caused unreasonable delay to or prevention of a proposal which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
9. For these reasons, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for a full award of costs is refused.

J Bowyer

INSPECTOR

¹ Application refs 04/02500/FUL and 04/02557/LBC