



Costs Decision

Site visit made on 3 April 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th April 2025

Costs application in relation to Appeal Ref: APP/M1520/W/24/3352134

175 - 179 Kiln Road, Benfleet, Essex SS7 1SJ

- 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 Motor Fuel Group Limited for a full award of costs against Castle Point Borough Council.
 - The appeal was against the refusal of planning permission for development described as 'erection of a new single storey side extension to the existing sales building to facilitate a 'Food to Go' concession'.
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Decision

1. The application for 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 in the appeal process. The applicant considers that the Council behaved unreasonably during the application process in several ways.
3. The Council's Officer Report describes the Council's concerns for the proposal, as well as the relevant policies and guidance under which it was considered. The Officer Report sets out that those concerns were informed by an internal inspection of the affected neighbouring property and describes the anticipated effects on it. As such I am satisfied that the reason for refusal was adequately substantiated and not based on vague assertions. It is also not development which should clearly have been permitted, given the sensitive relationship with the neighbouring property. While the Council did not provide a further statement with the appeal, the Appeals Procedural Guide sets out that further representations from the Council may not be required under this procedure.
4. The appellant describes the lack of communication during the application process, including the inability to address the Council's concerns and this is evidenced by emails sent during the application process. These are predominantly matters for the Council's internal processes and procedures. However, the Council has set out that it offers a pre-application advice service to help ensure the best possible outcome and this is the approach encouraged by the Framework and PPG. This service was not utilised in this instance. However, even if better communication had occurred during the process, given the nature of the concerns for the proposal, it is not apparent that this would have necessarily led to the need for the appeal being avoided altogether.

5. For these reasons, unreasonable behaviour resulting in wasted or unnecessary expense in the appeal process has not been demonstrated.

C Shearing

INSPECTOR