

Costs Decision

Hearing held on 10 April 2025

Site visit made on 10 April 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Costs applications in relation to:

Appeal A Ref: APP/W1525/W/24/3348289

Appeal B Ref: APP/W1525/W/24/3348294

Appeal C Ref: APP/W1525/W/24/3348295

Appeal D Ref: APP/W1525/W/24/3348298

Land east of Ragged Robins, Lower Stock Road, West Hanningfield, Chelmsford Essex CM2 8UY

- The applications are 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 applications are made by Mr Gary Sharp for a full award of costs against Chelmsford City Council.
 - The appeals were against the failure of the Council to issue notices of their decisions within the prescribed period for applications for the erection of a hay barn and the erection of 3 cow barns.
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Decisions

1. The applications for awards of costs are refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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. An extended determination period for the applications until 30 May 2024 was agreed between the applicant and the Council. Council Members expressed a range of concerns during the 28 May 2024 Planning Committee, and the decisions on the planning applications were deferred. Therefore, the reasons why the Council did not reach its decisions clearly related to the outcome of that Planning Committee. At the hearing, it was confirmed to me that the next available committee was in July as no committee could be held in June due to elections, and the appellant was informed of this situation at the time. This explains why no decisions were made in June.
4. Council Officers had recommended approval of the planning applications, and this was informed by the consultation responses of the Local Highway Authority. However, the Council Members were entitled not to accept the professional advice of officers so long as their reasons for doing so were substantiated.
5. I find that the decision to defer the determination of the applications at the May Planning Committee was made to ensure that the credibility of Members' concerns was more thoroughly explored and considered so that any decisions to refuse

planning permission were substantiated. The deferral did result in delay but, in the circumstances, it did not amount to an unreasonable failure to determine the planning applications. Furthermore, this additional exploration and consideration of issues also explains why the putative reasons for refusal ultimately articulate a narrower range of concerns than were expressed by Members during the May Planning Committee.

6. In my appeal decision, I have concluded that the effects of the proposed developments upon the safety of highway users would be acceptable. However, this assessment is a matter of judgement, and I have identified that the local roads are narrow, some movements to and from the appeal sites by large vehicles would take place and that some conflicts between various highway users would arise as a result. In the circumstances, it was not unreasonable of the Council to come to the opposing view that the developments would result in unacceptable effects. Furthermore, in support of its case, the Council has referred to the likes of the limited vehicle passing places in the area and the types of vehicle movements associated with the developments which it considers pose the highway risks it is concerned with. Consequently, its views on highway safety have been adequately substantiated given the specific areas of concern expressed.
7. Policy DM14 of the Chelmsford Local Plan, which relates to non-designated heritage assets, is not referenced within the Council's putative reasons for refusal which followed the July Planning Committee. However, the first of those putative reasons clearly refers to the protected lane as a non-designated heritage asset, and the Committee Reports which informed the July Planning Committee referenced the Policy. The appellant's Statement of Case also refers to Policy DM14. Therefore, the content of Policy DM14, and the reasons why it is relevant to the appeal proposals, was clear to the appellant from an early juncture. Furthermore, the Council's assertion that the proposals conflict with the Policy was articulated within its Statement of Case, thus, it was not made at a late stage in the proceedings. Therefore, the omission of Policy DM14 from the putative reasons for refusal has not resulted in the appellant undertaking unnecessary preparatory work nor has it prolonged the proceedings.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Jones

INSPECTOR