



Costs Decision

Site visit made on 6 May 2025

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Costs application in relation to Appeal Ref: APP/J1535/W/24/3355819

Rosedene, Oak Hill Road, Stapleford Abbots, Romford, Essex RM4 1JJ

- 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 S Ahmed for a full award of costs against Epping Forest District Council and Stapleford Abbots Parish Council.
 - The appeal was against the refusal of planning permission for “new built”.
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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, 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.
3. The appellant considers the Parish Council has behaved unreasonably due to its objection to the planning application being based on speculative and unsupported concerns, despite the efforts of the appellant to address the issues. The appellant sets out that the behaviour includes a failure to acknowledge the appellant's efforts to address concerns, reliance on anecdotal evidence regarding flood risk, lack of justification for their concerns over the car lift and a failure to evaluate each application on its individual merits. As a consequence, the appellant considers unnecessary costs were incurred through the provision of additional flood risk evidence, engaging planning professionals to address objections and revising the design.
4. The appellant considers the Council's decision was influenced by the Parish Council's objections and has led to the unnecessary expense of an appeal.

Parish Council

5. The Parish Council's initial response provided to the Council on 20 October 2024 objected to the application on the basis of flood risk and how the proposed house would affect the water table. The Parish Council cited anecdotal evidence reported by neighbouring residents regarding water accumulation to the end of their gardens. Amongst other things, concerns were also raised regarding the potential noise from a car lift and whether the basement would remain as a car port or if it might be converted to part of the living accommodation in future.

6. Following the Council's determination of the application, a second response was sent on 12 November 2024 from the Parish Council clarifying that they had met with a representative of the owner, who following their discussion, agreed to get a second opinion in relation to the potential for flooding and remove the basement level of the plan.
7. Whilst they are a statutory consultee, the Parish Council was not responsible for determining the planning application. The application was also submitted in outline with all matters reserved. As such, the detailed layout including the car lift and basement design, although indicating a way in which the site could potentially be developed, were not matters for determination. Whilst it is unfortunate that the Parish Council submitted the incorrect version of their comments, there is no substantive evidence before me that in this case it had any influence over the decision of the District Council. This is because the application was in outline with all matters reserved and was refused on the basis of the loss of the existing bungalow.
8. Based on the submissions before me, I do not consider the behaviour of the Parish Council directly caused the appellant unnecessary or wasted expense at appeal and an award of costs is not warranted.

District Council

9. The Council, in its officer's report, referenced the issue of flood risk insofar as the Parish Council had raised it as an issue. The officer's report did not examine any issues of flood risk in depth and concluded that the application should be refused due to the loss of the existing bungalow. The application was not refused on the basis of the proposal being unacceptable on the basis of flood risk. There is no substantive evidence before me that the Council's decision was influenced by the Parish Council's objection on the basis of flood risk.
10. Given the reasoning set out in my appeal decision, I do not consider that this case falls into the category where development should clearly be permitted. The case put forward by the Council was sufficiently clear, based on relevant local and national planning policies, and its reasons for refusal were adequately substantiated.
11. As set out in the PPG, an award of costs is limited to unnecessary or wasted expense as a result of the appeal process. As the planning application was refused solely on the basis of the loss of the bungalow and consequences for the District's mix of housing stock, there is no evidence that unnecessary or wasted expense has been incurred at appeal.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

L Francis

INSPECTOR