
Costs Decision

Site visit made on 26 March 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Costs application in relation to Appeal Ref: APP/J1535/W/24/3349056 Land to the South of Chigwell Rise, Chigwell Rise IG7 6BN

- 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 F Cheroomi for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for use of site as a natural burial ground with associated landscaping, access improvements and parking.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which include 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; vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis and not determining similar cases in a consistent manner.
4. I have not sided with the Council and in my judgement having regard to the provisions of the development plan, national planning policy and material considerations, the development should reasonably have been permitted. Whilst Council Members have taken a different view from that of their officers, they are not duty bound to follow the advice of their officers, provided that there are sufficient planning grounds to come to a contrary view.
5. In this regard, limited written evidence has been provided and the Council's case is lacking in content failing to substantiate their position in respect of why they consider the proposal to be inappropriate development, the effect upon openness and the purposes of the Green Belt. Nor in respect of how the proposal would fail to preserve the rural character and visual amenity of the landscape.
6. The third reason for refusal is unreasonable. It is based on a speculative need for further development rather than the proposal as detailed within the application form and the accompanying plans. The statement elaborates on further development

that may be required such as toilets, maintenance buildings and rain protection but these facilities are not proposed and do not form part of the proposed development.

7. As such, the refusal of planning permission in the absence of any justifiable evidence and by advancing vague and generalised assertions about the proposal's impact, amounted to unreasonable behaviour and resulted in the applicant incurring unnecessary expense.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of defending all three reasons for refusal and a full award of costs is therefore warranted.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Epping Forest District Council shall pay to Mr F Cheroomi, the full costs of the appeal proceedings; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Epping Forest District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

V Goldberg

INSPECTOR