



Costs Decision

Hearing held on 29 April 2025

Site visit made on 29 April 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Costs application in relation to Appeal Ref: APP/C1570/W/24/3357859

Firtree Farm, Pages Lane, Stebbing, Essex

Grid Reference Easting: 565717, Grid Reference Northing: 226731

- 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 D Parker Bowles for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of the Council to grant planning permission for outline planning application with all matters reserved for a proposed permanent self build agricultural dwelling.
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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 process¹.
3. The application is made on substantive grounds. Specifically, it is stated that the Council failed to take account of the fact that the caravan on the site was granted on a temporary basis to allow for a trial period whilst the business became established. In doing so, it is alleged that the Council did not properly consider the PPG guidance in relation to rural worker's dwellings for new enterprises².
4. At the hearing, the Council acknowledged that it had established a level of need when it granted temporary planning permission for the caravan on the site. However, it is clear from the Council's written evidence that its concerns about the future viability of the business was a primary consideration in its refusal of the application for a permanent dwelling.
5. As will be seen from my decision, I have come to a different view to the Council on this matter. However, in doing so, I took account of the verbal evidence provided at the hearing to explain inconsistencies and to provide further details on the high-level written information provided in the financial statements. Whilst it was open to the Council to seek such further explanation during the application process, it was not incumbent on it to do so, and it was also not necessary for the Council to suggest alternative developments that could be accepted. Nonetheless, the Council

¹ PPG Paragraph: 027 Reference ID: 16-028-20140306

² PPG Paragraph: 010 Reference ID: 67-010-20190722

has clearly set out in its evidence the additional information it deemed to be necessary to address its concerns about the future financial health of the business.

6. Overall, whilst I have formed a different view to the Council with regard to the need for a dwelling, I am satisfied it has substantiated its position with reasoned analysis that took account of the guidance for temporary rural worker's dwellings in the PPG. Moreover, even if this were not the case, an appeal would have been required in any event due to the Council's other concerns about the effect of the siting of the proposal on the character of the countryside. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred and an award of costs is not warranted.

E Catcheside

INSPECTOR