



Costs Decision

Site visit made on 3 June 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Costs application in relation to Appeal Ref: APP/B1550/W/24/3357529

Marsh View, Lower Road, Hockley, Essex SS5 5LR

- 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 Rochford District Council for a full award of costs against Rushton Homes Ltd.
 - The appeal was against the refusal of planning permission to demolish the existing chalet bungalow and buildings on site, sub-divide the plot and construct 5no. 5 bedroom detached new build half chalet style houses with 3 private parking spaces and a garage each.
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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. On substantive grounds, the Council contends that the appellant has submitted an appeal which has no reasonable prospect of succeeding, particularly as they believe that the development is clearly contrary to national planning policy in relation to the Green Belt. Whilst I appreciate that I have found the proposal unacceptable in relation to the Green Belt and the other matters before me and the appeal has been dismissed, the appellant was not unreasonable in submitting an appeal and they considered that there were strong grounds to contest the reasons for refusal of permission.
4. They also contend that the appellant has not tried to address the Council's reasons for refusal, particularly in relation to the effect on the character and appearance of the area and highway safety, suggesting they recognise they do not have much chance of winning. However, an appeal statement has been submitted by the appellant as part of the appeal, setting out why they consider the appeal should be allowed and why planning permission should be granted. Limited details may have been provided in relation to some of the reasons for refusal, however it is not compulsory for the appellant to submit further details on all matters if they do not feel it is necessary.
5. Therefore, the appellant has not behaved unreasonably in submitting an appeal, having sought to substantiate the planning reasons as to why planning permission should be granted, in relation to the relevant policies within the development plan and the Framework.

6. It has been stated that the Council invited the appellant to withdraw the appeal to avoid costs against them and they chose not to. However, the decision to withdraw the appeal is entirely within the discretion of the appellant and does not amount to unreasonable behaviour.
7. Therefore, whilst I note that costs would have been incurred by the Council, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the appellant as described in the Planning Practice Guidance. For this reason, an award for costs is not justified.

Conclusion

8. For the reasons given above and having had regard to all other matters raised, an award of costs is refused.

E Grierson

INSPECTOR