



Costs Decision

Site visit made on 11 June 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Costs application in relation to Appeal Ref: APP/C1570/W/25/3358973

Land adjacent to Swan Farmhouse, School Lane, Takeley, Essex, CM22 6PJ

- 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 Sharon Weston for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for the erection of 2 self-contained detached dwellings with associated landscaping, access and parking.
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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 application essentially relies on the fact that the applicant does not think that the Council have adequately demonstrated any heritage or countryside harm and have relied too heavily on the submission of one consultee (Place Services), rather than applying the National Planning Policy Framework's (The Framework's) presumption in favour of sustainable development. They further highlight that the Council have applied the wrong test as set out in the Framework and have not taken adequate account of the appellant's heritage statement. They also note that it is instructive that the landscape officer has not commented at either the application stage or at the appeal stage to substantiate the Council's case.
4. They further highlight that the relevant planning officer had provided entirely positive feedback at the initial site visit only to do a complete volte-face following the input from Place Services. The applicant also points out that the Council has taken an inconsistent approach in approving proposals at nearby sites.
5. In relation to the planning merits, it is clear that whether or not the proposal would harm the setting of a listed building, or the character and appearance of the area are matters of planning judgement. The delegated report and the Council's appeal statement make a sufficient case to support the Council's view. Their judgement is supported by specific references to policies of the development plan. Given I have reached a similar judgement on the planning merits, and also found that the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged, I consider that the approach of the Council was

- reasonable. Therefore, including these matters as reasons for refusal does not result in unreasonable behaviour.
6. The Council accepts that in their appeal statement it used the old Framework “clear” reason test rather than the updated “strong” reason test under paragraph 11(d) when considering those policies in the Framework that protects designated heritage assets. However, I have used the correct test. Accordingly, the Council’s action has not led to a different outcome and consequently overall it had no bearing on the determination of the appeal. I am also satisfied that the relevant officers had sufficient experience to assess the scheme and the fact that the landscape officer has not made any comments to substantiate the Council’s case has again not changed my view on the planning merits of the case.
 7. I would also add that it is entirely appropriate for the Council to take account of the relevant consultees in reaching a decision. It is of course disappointing for the applicant if initially the relevant officer provided positive feedback at the site visit. However, it is reasonable in making an overall assessment of the proposal that the Council takes account of all material considerations, including the input of the heritage consultee. In fact, if they had not that would have given me more cause for concern. Consequently, this matter does not result in unreasonable behaviour.
 8. Similarly, I accept there are some similarities between the proposal subject of the appeal and developments within the same area. However, as pointed out in the appeal decision there are also material differences. For example, the other examples given consent by the Council are on the other side of School Lane and are not part of the land that I consider contributes to the setting of Swan Farmhouse. Consequently, their impact on their surroundings is also different. As a result, it is not unreasonable for the Council to have reached a different view in relation to those separate schemes and therefore the Council have not acted unreasonably.
 9. In my judgement, when considered in the round, the Council’s case was sufficient to raise concerns about the impact of the proposal on the setting of a designated heritage asset and on the character and appearance of the area. Overall, I do not consider that the Council has acted in such a way that it should be considered to be unreasonable behaviour that has led to unnecessary or wasted expense in the appeal process.
 10. **Conclusion**
 11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Rawle

INSPECTOR