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## Costs Decision

Site visit made on 24 June 2025

by **Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

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### **Costs application in relation to Appeal Ref: APP/H1515/W/25/3361728**

#### **Standing Stone, Beehive Chase, Hook End, Brentwood, CM15 0PA**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Nicola Scott for a full award of costs against Brentwood Borough Council.
  - The appeal was against the refusal of planning permission for extensions and alterations of existing garage/annexe to create separate dwelling.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. 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.

#### The application

3. The application should have been granted planning permission and the council's reasons for refusal have not been fully justified. The officer's delegated report has been thoroughly reviewed and despite this providing further clarity on why the council rejected this application, the matters raised could easily have been addressed by the imposition of planning conditions. Furthermore, the council has gone against the advice of the Highway Authority without a thorough explanation of the reasons why. Paragraphs 27 to 32 of the PPG refer to awards of costs. The appellant has been put to the costs of this appeal unnecessarily and this is considered to constitute unreasonable behaviour by the Council. A full award of costs is therefore sought.

#### Response

4. The application for costs is brief and generic. It provides no evidence of unreasonable behaviour. It states a belief, without explanation, that the reason for refusal was not fully justified; that matters could have been addressed by planning conditions and that the local planning authority has not accepted the highways authority's advice without valid reason. All matters were addressed in a combination of the original planning report and the local planning authority's planning statement provided in response to the appeal. In paragraph 7.2 the appellants refer to the PPG relating to costs in paragraphs 27 to 32. This paragraph

provides a single sentence with the appellants opinion that the appeal was unnecessary. There is no evidence to support the claim.

### **Conclusion**

5. It will be seen that I have dismissed the applicant's appeal in relation to the substantive matter of the development proposed. That does not necessarily mean that there has been no unreasonable behaviour or wasted costs.
6. However, my decision on the appeal demonstrates that the council's decision, its reasons for refusal and the basis for that refusal in the delegated report were sound, in the totality, if not in all the detail.
7. I therefore conclude that there is no sound basis for this application. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Terrence Kemmann-Lane*

INSPECTOR