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## 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: 14 JULY 2025

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### **Costs application in relation to Appeal Ref: APP/C1570/W/24/3356882 East of Chelmsford Road, Felsted, Dunmow, Essex, CM6 3XQ**

- 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 Felsted Place Limited for a full award of costs against Uttlesford District Council.
  - The appeal was against the refusal of planning permission for a mixed-use development comprising village convenience store, along with dedicated parking facilities including a multi-use parking and overspill area, together with an external area for farmers market supported by a café including disabled WC provision, 3no. self-contained management offices, and 3no. dwellings comprising two 2 bedroom wheelchair adaptable bungalows and one 4 bedroom wheelchair adaptable chalet bungalow with home office and a dedicated 2m footpath route on land east of Chelmsford Road, Felsted.
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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 considers that the Council should have taken the case back to the planning committee. The applicant highlights that the relevant officers had indicated this would happen and that would have ensured that the proposal could have been considered appropriately. Bearing in mind the previous application was reviewed at committee and was very nearly approved, given the changes to the proposal, the applicant considers that the revised scheme may well have been supported meaning an appeal was unnecessary.
4. The applicant further highlights that the Council have caused unnecessary delay and justified some of the delays on the fact that they were planning to take the case back to committee. They also point out that the Council requested further information, including drainage details and indicated that without receipt of the further information they would not be able to support the proposal. The need to provide the drainage information and the need for the appeal has resulted in wasted costs.
5. The Council did not provide a response to the application and so I have considered the application based on applicant's information and on the available evidence. In relation to the procedure, the Council are entitled to make a delegated decision and

- there is nothing unreasonable in them taking such an approach. The relevant Council officers did advise the applicant that the case would be called into Committee if the relevant officers recommended approval. They also set out that in order to support the application, they would need to receive some further information.
6. I can understand why the applicant may have taken from the exchange of correspondence that subject to providing that further information the relevant Officers would support the application. However, to my mind it is reasonable that a final decision is made on whether or not to support the application once all of the material information has been received. Once the Officers had decided not to recommend approval, their stated need to take the case to the Planning Committee fell away.
  7. Although given how close the decision had been on a previous application, I can understand why the applicant would have wanted the case taken back to the Committee. However, the fact that it was not taken back to Committee has not directly caused the applicant to incur unnecessary or wasted expense in the appeal process itself. I say that, because given my findings in relation to the appeal, I do not consider that the Council has acted unreasonably in refusing the application.
  8. It is clear that whether or not the proposal would harm the character and appearance of the area is a matter 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 view on the planning merits I consider that the approach of the Council was reasonable.
  9. Similarly, in relation to the applicant's concerns about delay, I do not consider that the Council has acted so unreasonably during the planning application stage to warrant an award of costs. It is reasonable for the Council to request further information on technical matters such as drainage and the delays were not so unreasonable as to justify an award of costs. In this case, although the applicant helpfully provided further information on drainage matters, the application was not refused on drainage grounds and consequently this matter has not caused any unnecessary or wasted expense during the appeal process.
  10. 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 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 amount to unreasonable behaviour that has led to unnecessary or wasted expense in the appeal process.
  11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*S Rawle*

INSPECTOR