



Costs Decision

Site visit made on 17 June 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Costs application in relation to Appeal Ref: APP/X1545/W/24/3349854 Paynes Cottage, Walden House Road, Great Totham, Essex CM9 8PN

- 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 Maldon District Council for a full award of costs against Mr Andrew Marven.
 - The appeal was against the refusal of planning permission for the conversion of existing outbuilding to annexe.
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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. Awards against an appellant may be considered if late or incomplete evidence is submitted in the appeal process or when an appeal is made where previous appeal decisions have established clear grounds for refusal.
3. The Council states that the applicant did not submit new evidence with the application relating to the 'functional link' from that previously provided with the refused application¹ and subsequently dismissed appeal². However, the Planning Inspector's findings centred primarily on the design and scale of the building, whether it would be subservient to the main dwelling and whether it would appear visually as a separate dwelling.
4. Whilst more information relating to the 'functional link' could have been submitted by the applicant with the revised application, I do not find this amounts to unreasonable behaviour. The applicant has clearly sought to address the key issues set out in the previous appeal decision. The Inspector concluded the annexe would be functionally and physically separated from the main dwelling but the reasoning focused, for the most part, on the size of the annexe. In my view, it was not the applicant's deliberate intention to omit evidence.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

¹ Application ref 22/00926/FUL

² Appeal decision ref APP/X1545/W/22/3312727

Thomas Courtney

INSPECTOR