



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 Mr Andrew Marven for a full award of costs against Maldon District Council.
 - The appeal was against the refusal of planning permission for the conversion of existing outbuilding to annexe.
-

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 a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. The applicant contends that the Council's Officer Report did not acknowledge that the level of accommodation proposed has been reduced since the previously refused application¹ at this site and that appropriate weight was not given to the findings of the Planning Inspector in the previous appeal². However, the Council did clearly set out the differences between the two schemes and acknowledged the scale of the proposal had been reduced. I also find that the Council accurately considered the findings of the Planning Inspector who concluded the annexe would be functionally and physically separated from the main dwelling.
4. Furthermore, the applicant contends that the Council were inconsistent in their decision-making process and failed to adequately consider the evidence of a functional link. The applicant submitted additional information with the appeal clarifying and bolstering the proposed functional relationship between the annexe and the main dwelling. In my view, the Council were entitled to come to their decision based on the information provided to them at the time.
5. The applicant refers to other annexes approved by the Council. They contend that the Council's assessment and decision differs significantly with the approach taken by the Council at other sites for similar developments. However, accurate comparisons and details of these decisions were not put forward with the original

¹ Application ref 22/00926/FUL

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

application. In any case, each application is determined on its own individual merits.

6. I am satisfied on the basis of the evaluation of the planning merits set out in the Council's Officer Report that the Council has shown a clear rationale for its decisions in light of the disputed assessment over the adequacy of the annexe conversion and has provided a balanced commentary on the other material planning considerations. A full and reasonable assessment of the proposal against the Development Plan and other material considerations has therefore been undertaken by the Council during the course of the planning application. In the absence of any conclusive evidence to the contrary, I am unable to conclude that the Council has acted unreasonably in their assessment and determination of the proposed development.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Thomas Courtney

INSPECTOR