
Costs Decision

Site visit made on 18 December 2024

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2025

Costs application in relation to Appeal Ref: APP/C1570/W/24/3345364 Old Cottage, Start Hill, Stane Street, Great Hallingbury, Essex CM22 7TG

- 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 Craig and Patrick Huber and O'Sullivan of The Spartan Group Holdings Ltd and PMJ Services Ltd for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for closure of existing access and formation of new access from the highway. Demolition of outbuildings and erection of 9 dwellings.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The applicant refers to a number of the examples of the substantive grounds upon which an award of costs can be based.
3. Previous committee decisions and the approach of ward members to discussions during the application process would not amount to unreasonable behaviour on the part of the local planning authority in relation to the appeal the subject of this application. Amending applications following a refusal of planning permission is commonplace, and it is not the purpose of the appeal to compare this proposal with that previously refused. There is no substantive evidence before me which demonstrates that the Committee were not unbiased in their assessment of the proposal. Nor is there any requirement for Members to undertake a site visit prior to determining an application. It is also expected that Council officers should make members fully aware of the potential implications of over-turning an officer recommendation. None of these factors amount to unreasonable behaviour on the part of the Council.
4. There is no obligation on members of the planning committee to follow the advice of their officers. However, they are required to substantiate their reasons for refusal and it is unreasonable to make vague, generalised, or inaccurate assertions about a proposal's impact which is unsupported by any objective analysis.
5. The concerns about tandem parking are specifically referenced in both the Committee minutes and the Council's statement of case. However, the tandem

parking shown on the layout was clearly within each plot, which is specifically identified as being acceptable. To characterise the layout of the site as creating a parking court is an inaccurate assertion. The attempt to provide an objective analysis through the use of percentages to assess the number of parking spaces in comparison with surrounding developments does not amount to a reasoned justification as to any harm that would arise from the use of tandem parking in the layout. There is also no substantive assessment of the character of the area which demonstrates that the proposal, by virtue of its scale or design, would result in harm. I therefore find that vague, generalised and inaccurate assertions have been made about the impact of the proposal which were unsupported by objective analysis. This amounts to unreasonable behaviour.

6. As a result of this, the appellant has been put to the unnecessary expense of an appeal. I therefore conclude that an award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Uttlesford District Council shall pay to by Mr Craig and Patrick Huber and O'Sullivan of The Spartan Group Holdings Ltd and PMJ Services Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Uttlesford District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Jennifer Wallace

INSPECTOR