
Costs Decision

Site visit made on 12 August 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Costs application in relation to Appeal Ref: APP/V1505/W/25/3367319

Stoneyhills, Land at Ramsden View Road, Ramsden View Road, Wickford SS12 0LE

- 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 D Keeling for a full award of costs against Basildon Borough Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for two number identical buildings for hay and machinery storage.
-

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. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on both grounds.
3. Unreasonable behaviour on the part of a Council on procedural grounds may include a delay in providing information or other failure to adhere to deadlines. On substantive grounds, this may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and any other material considerations.
4. Procedurally, the costs application is made on the basis that the Council has acted unreasonably in (1) failing to adhere to deadlines set in the appeal timetable which the applicant contends has led to wasted time and a delay in the appeal and (2) introducing planning matters into the determination of the application for prior approval, resulting in wasted time and expense. On substantive grounds, the applicant contends that the Council has acted unreasonably in (3) not producing a statement of case to explain why it considered the proposal failed to comply with the requirements of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
5. In respect of (1), the Council's deadline for providing the completed appeal questionnaire, supporting documents, a copy of the notification letter and a list of those notified was 24 June 2025. The relevant 5-week deadline for comments to be made by interested parties is stated on the start letter as 22 July 2025. The Council missed the relevant deadline set by the Planning Inspectorate. The Council's response to the costs claim explains this was

due to ongoing correspondence with the Planning Inspectorate in relation to completing the appeal questionnaire. Nevertheless, the Council provided copies of the relevant documents on 15 July 2025, including a copy of the notification letter sent to interested parties on 19 June 2025 which contained the relevant 5-week deadline date for response. Therefore, whilst deadlines are important for efficiency, in this case, this behaviour has not resulted in any delays to the appeal timetable or proceedings, and thus no unnecessary or wasted expense.

6. In relation to (2), which is arguably both a procedural and substantive matter, a prior approval appeal should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of permission by the GPDO. The Council's officer report for this appeal and the first application for prior approval¹ which was refused, references the site's location in the Green Belt in its consideration of the effects of the siting of the buildings. However, the Council does not assess the development against Green Belt policies in the development plan or the National Planning Policy Framework. The respective officer reports also expressly set out under the policy context heading that the application must be determined against the relevant class of the GPDO.
7. As the siting of the buildings is a matter for which prior approval must be sought and given, and which is subject to the exercising of judgement, the Council's approach to this matter was not unreasonable. Therefore, while I have found in my appeal decision that the siting of the buildings would be acceptable and would not result in harm to the character and appearance of the area, this is a matter of planning judgement. The Council has set out its reasoning for reaching a different conclusion in determining the application. While I do not agree with that conclusion, I do not consider that the Council acted unreasonably in refusing the application.
8. In relation to (3), the Council is not bound to provide a statement of case where it considers its supporting documents to cover the full details of its case. The reason for refusal set out on the decision notice is complete, precise, specific and relevant to the application for prior approval. The accompanying officer report constitutes further evidence that substantiates the Council's reasoning, which is clear and can be fully understood. On this basis, the Council has not acted unreasonably in not providing an additional statement of case.
9. For the above reasons, I do not consider that unreasonable behaviour has been demonstrated within the meaning of the PPG on either procedural or substantive grounds. It follows that the applicant was not put to unnecessary or wasted expense in testing the Council's judgement at appeal.

Conclusion

10. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. Consequently, the application for an award of costs is refused.

H Whitfield

INSPECTOR

¹ Council Ref. 24/00488/AGBAS