



Costs Decision

Site visit made on 5 August 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Costs application in relation to Appeal Ref: APP/C1570/W/25/3365239

Pauls Farm, Little Bardfield, Braintree, Essex CM7 4TN

- 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 Uttlesford District Council for a full award of costs against Mr Patrick Gardiner.
 - The appeal was against the grant subject to conditions of planning permission for the erection of commercial units (B8 use) in farmyard with parking and associated landscaping.
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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 Council state that the appellant accepted condition 11, the subject of the appeal, during the course of the application. On procedural grounds they therefore contend that, by the appellant appealing this condition, the Council has incurred unnecessary or wasted expense in defending the appeal.
4. Evidence has been provided which suggests that the appellant did accept the condition during the course of the application and this has been confirmed by the appellant themselves. However, whilst the condition may have been accepted at the time it is still their prerogative to appeal a condition which, although may have previously been considered acceptable, they now object to.
5. Whilst I appreciate that I have found the proposal unacceptable in relation to the impact of the development on the living conditions of the occupiers of neighbouring properties and the appeal has been dismissed, the appellant was not unreasonable in submitting an appeal as they considered that the condition would now not meet their requirements in relation to the approved development.
6. Therefore, whilst I note that costs would have been incurred by the Council, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the appellant as described in the Planning Practice Guidance. For this reason, an award for costs is not justified.

Conclusion

7. For the reasons given above and having had regard to all other matters raised, an award of costs is refused.

E Grierson

INSPECTOR