



Costs Decision

Site visit made on 30 July 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Costs application in relation to Appeal Ref: APP/C1570/W/25/3367052

Land at Sibley's Green, Thaxted CM6 2NU

- 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 Richard Yeldham for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of the Council to grant planning permission for 3 dwellings, in outline, with all matters reserved.
-

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 applicant contends that the Council behaved unreasonably in respect of (1) its third reason for refusal, pertaining to protected species; (2) its finding that the appeal site does not have access to sustainable modes of transport having found that a nearby site at Monk Street did, and also its application of a previous appeal decision on this point; (3) its finding that the appeal site is not an infill plot for the purposes of Policy TX LSC4 of the Thaxted Neighbourhood Plan, when the site at Monk Street was; and, (4) the purported failure of the Council to discuss the decision after it had been issued.
4. Regarding the third reason for refusal pertaining to protected species, whilst the applicant contends that the specific issue at hand was further information relating to ground nesting birds, the concerns raised by Place Services, the Council's consultee on ecology, were not limited to that matter. Indeed, the consultation response, dated 18 December 2024, was titled '*Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newts and bats), protected species (Badger) and Priority species (farmland birds)*'.
5. An email sent on 28 January 2025 attempted to address the issue of ground-nesting birds. In upholding the third reason for refusal in my determination of the appeal, I have explained why I find that email insufficient in respect of birds. Notwithstanding my finding that further information in respect of newts could be secured via planning conditions, the email fails to address the other species listed above.

6. The email, it was stated within, was sent in response to the ecology comments, rather than as a partial response on the matter of birds only. It states that no need was felt for further surveys and does not ask the Council to respond or engage further. Given this, I see nothing unreasonable in the Council taking this to mean that it had the applicant's final position and see no reason, whatever time may have been left before the expiration of an extension of time agreement, why the Council should have returned to Place Services for a further view; Even if the 28 January email may have overcome Place Services objections in respect of birds, the objections overall had not been addressed.
7. I have explained in my determination of the appeal why I find the submissions inadequate to confirm the position in respect of bats, and why the absence of a badger survey is inadequate. Given all of this, I do not find that the third reason for refusal was unnecessary.
8. Turning to sustainable modes of transport, the nearby approval at Monk Street, and the application on this point of a previous appeal decision¹; I have explained in my determination of the appeal that, based on the evidence before me, the previous Inspector found, and listed, differences between the Monk Street site and Ellan Vannin.
9. In my determination of the appeal, I recognise that whilst the Monk Street approval planning report directly cited the local bus service, that scheme also had other, relevant features including its proximity to Thaxted and an alternative route that did not require the B184 to be used, or at least not to be crossed. Given these features, I do not hold the Council unreasonable for approaching the Monk Street site and the appeal site differently.
10. As I address in my determination of the appeal, it appears that the applicant has mistaken paragraph 13 of the previous appeal decision to refer to the Monk Street site as approved by the Council under application Ref UTT/24/0898/OPP, when it in fact refers to an earlier scheme on a different site on the same street. The applicant's subsequent conclusion that the previous Inspector had based their findings on an inaccurate understanding fall away, therefore, as does their assertion that the Council have erred in applying the decision.
11. I have set out in my determination of the appeal why I do not find the appeal site to comprise an undeveloped infill site between existing dwellings for the purposes of Policy TX LSC4 of the Thaxted Neighbourhood plan, and identified the differences between it and the site approved for development by the Council at Monk Street. For the reasons given, I do not find the Council to have applied the policy inconsistently.
12. Even if discussions between the applicant and the Council might have refined the matters in dispute between them, or even led to the appeal not being submitted, I see no reason why, having determined the application, the Council was obliged to enter into such discussions; that is not a mandatory part of the planning application process. I have no evidence that the Council failed to comply with any published procedure or protocol for arranging pre-application or general planning meetings between the determination of the application and the submission of the appeal.

¹ Appeal Ref: APP/C1570/W/24/3340623

Conclusion

13. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs against the Council is not justified.

A Knight

INSPECTOR