
Costs Decision

Site visit made on 19 August 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 SEPTEMBER 2025

Costs application in relation to Appeal Ref: APP/W1905/W/25/3367349

9 Lilac Close, Cheshunt, Hertfordshire EN7 5BU

- 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 Onur Altun for a full award of costs against Broxbourne Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the subdivision of the site and erection of a new 1no. 2-bedroom dwelling.
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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 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 considers, in summary, that the Council did not have due regard to the fallback position whereby permission was allowed on appeal for an extension of 4 metres in width. The applicant considers that greater regard should have been had to this fallback position, and it was not properly considered in the decision making process.
4. I am, however, unable to agree with this stance. There are two previous schemes for extensions to 9 Lilac Close. One had 5 metres in width and was dismissed at appeal. The one the applicant referenced had 4 metres in width. This current proposal sits between the two in terms of its width. Whether the proposal is for a new dwelling or as an extension to the existing dwelling is largely immaterial in this context as the resultant effects on the character and appearance would not be dissimilar.
5. The Council resolved to refuse the application. This was contrary to the Officer's initial recommendation but nevertheless in accordance with the Council's scheme of delegation. It documented the background in a file note which shows that it had a clear understanding of the context.
6. I have formed a view which, in relation to the character and appearance of the area, aligns with that of the applicant and the Officer's initial recommendation. This does not make the Council's final decision unreasonable, particularly in this case as the defining issue was very finely balanced as two previous schemes had established parameters of what was, and was not, permissible. The appeal scheme

sat at a mid-point between the two and therefore it is not unreasonable to expect that a party may find this mid-point to be unacceptable as opposed to being acceptable.

7. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bowden

INSPECTOR