
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: 3rd September 2025

Costs application in relation to Appeal Ref: APP/P1560/W/25/3367140 Comarques Farm Barn, Colchester Road, Thorpe-Le-Soken CO16 0LA

- 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 FGH (Essex) Ltd for a full award of costs against Essex County Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of an agricultural building in to four residential dwelling units.
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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. On substantive grounds, the applicant suggests that the County Council have failed to provide evidence to substantiate their reason for refusal, in relation to whether the width of the access is sufficient, whether sufficient visibility splays would be provided and whether the proposal would result in the intensification in the use of the access.
4. Whilst I appreciate that I have found the proposed development acceptable in relation to highway safety and the appeal has been allowed, the Highways Authority (Essex County Council) were not unreasonable in coming to their conclusions in relation to the aforementioned matters and they have provided details in order to justify their findings at both application and appeal stages.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated and an award for costs is not justified.

Conclusion

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

E Grierson

INSPECTOR