



Costs Decision

Site visit made on 24 July 2025

by Dr Rachael A Bust BSc (Hons) MA MSc LLM PhD MLoL MCMI FGS MEnvSci MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Costs application in relation to Appeal A Ref: APP/A1530/W/24/3357528

Crouched Friars, 103-107 Crouch Street, Colchester CO3 3HA

- 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 SA & JO Care Ltd for a full award of costs against Colchester City Council.
 - The appeal was against the refusal of planning permission for a proposed extension and alterations to provide 13 additional ensuite bedrooms with related day space and landscaping works.
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Costs application in relation to Appeal B Ref: APP/A1530/Y/24/3357540

Crouched Friars, 103-107 Crouch Street, Colchester CO3 3HA

- 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 SA & JO Care Ltd for a full award of costs against Colchester City Council.
 - The appeal was against the refusal of listed building consent for a proposed extension and alterations to provide 13 additional ensuite bedrooms with related day space and landscaping works.
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Decision

1. The application for an award of costs relating to both Appeal A and B 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. Paragraph 16-046 of the PPG indicates that awards against a local planning authority may be either procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal.
4. The applicant contends that general support for the proposals shown by the Council at the pre-application stage changed when considering the applications; the Council determined the applications without consideration of the submitted revised plans (Rev C), including no evidence of heritage consultation; and finally, how the Council used a request for the extension of time to write up the decision.
5. The Council defended its position with a response to the application for an award of costs.
6. From the evidence submitted I do not find that the Council significantly changed its position from the advice given at the pre-application. The Officer Report confirms

that the proposed extension is acceptable in principle, subject to the assessment of the relevant planning considerations. After all, pre-application advice remains without prejudice to the final decision which is based upon an assessment of the upon the full details of proposal together with consultation responses. As such on this first ground, I find no unreasonable behaviour has occurred.

7. The Council confirmed in the email of 8 May 2024 that the latest drawings (Drawing references 1610: 04C, 05C, 07C and 08C submitted 16 April 2024) would be uploaded to the system and the applications would be determined as soon as possible on the basis of those drawings. These drawing references are cited in the Officer Report.
8. The Council's report structure and approach to the assessment does not clearly differentiate between the original and revised proposals for the current proposal. Furthermore, the decision notice does not set out a list which plans the decisions were based upon. As there is no standard approach to reports and decision notices, it is up to individual Councils as to how they choose to present their assessment in written form. In this case, I can understand why the applicant was unsure as to whether the Council had determined the proposal on the revised plans or not.
9. The fifth paragraph of the Officer Report regarding design and appearance and impact on heritage assets does include a reference to submitted revisions. From the commentary would appear to be referring to amendments that are contained within the revised drawings submitted in April 2024. The Council's appeal statement of case does more clearly present a comparison between the original and revised drawings for the current scheme.
10. Accordingly, whilst I find that the Council's presentation of the assessment of the scheme in the Officer Report is not as clear as it could be, I am satisfied that there is evidence that the Council had considered the revised drawings (Rev C) prior to determination. There is a statutory consultation requirement during the determination of applications, and in this case the Officer Report does cite the conclusions of the Historic Buildings and Areas Officer; however, re-consultations on revisions and amendments are discretionary. As such, in relation to the second ground, I find no unreasonable behaviour has occurred.
11. The Council sought to agree an extension of time for the two linked applications on the basis of workload. Whilst I note the applicant's concern regarding the Council's reason, there is limited guidance regarding the circumstances where an extension of time is required. Paragraph 21b-003 of the PPG indicates that where it becomes clear that more time than the statutory period is genuinely required, then the local planning authority should ask the applicant to consider an agreed extension of time. Any such agreement must be in writing and set out the timescale within which a decision is expected. Whilst this does not deliver timely decision making, I find that the Council has not acted unreasonably in this regard.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs for both of these appeals is not warranted.

Dr Rachael A Bust

INSPECTOR