



Costs Decision

Site visit made on 9 September 2025

by **K Allen MEng (Hons) MArch PGCert ARB**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Costs application in relation to Appeal Ref: APP/V1505/W/25/3366596

Rosina, Break Egg Hill, Billericay, Essex, CM11 1EU

- 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 & Mrs James for a full award of costs against Basildon Borough Council.
 - The appeal was against the refusal of planning permission for a self build dwelling, new hardstanding and access.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. This application is made on both procedural and substantive grounds. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, through its unreasonable timeframe for determination, requests for additional documents and preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. I note the extended length of the application process and the determination date immediately before the festive break. Although unfortunate, the evidence before me sets out reasons for the delays to the determination and that the applicant was informed at the time. Whilst it would have been disappointing to receive the refusal prior to the festive period, it was received on a 'work day' and would not have had any immediate effect on the family. Although brief, the Council's delegated report has considered the applicants personal circumstances. In addition, the PPG makes it clear that costs cannot be claimed for the period of time during the determination of the planning application. After the appeal was lodged, the Council provided the required information in a timely manner which did not prolong the appeal proceedings.
5. The Council requested additional survey information during the application process, although this delayed the determination, having visited the site, it is not

unreasonable to assume that it would provide a suitable habitat for protected species. Whilst it was not explicitly mentioned in the delegated report, the survey information was required to alleviate related concerns and reduce the number of reasons for refusal. Whilst the lack of communication with regards to the recreational impact of the site is frustrating, the payment of the RAMs tariff during the application process would not have prevented the appeal given the Council's concerns regarding the green belt. Similarly, in line with paragraph 11d part i) of the Framework, these concerns provided a strong reason for refusing the development proposed irrespective of the Council's 5-year housing land supply position.

6. Notwithstanding the above, the Council have failed to provide an analysis of the proposal against all the possible Green Belt exception criteria within national policy, namely paragraph 155 related to the development of grey belt land. Although the updated National Planning Policy Framework was adopted just prior to the determination with some uncertainty about the application of its policies, I consider the complete lack of analysis and consultation with the applicant to constitute unreasonable behaviour.
7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Basildon Borough Council shall pay to Mr & Mrs James, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Basildon Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

K Allen

INSPECTOR