



Costs Decision

Site visit made on 23 September 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Costs application in relation to Appeal Ref: APP/M1520/D/25/3360817

288 Rayleigh Road, Thundersley, Benfleet, Essex SS7 3XE

- 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 Fatmir Pjetra for a full award of costs against Castle Point Borough Council.
 - The appeal was against the refusal of planning permission for convert loft space for habitable accommodation and erect front dormer.
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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. The appellant has referred to various factors of the Council's decision which in their view warrant an award of costs. I shall deal with each of these in turn.
4. In respect to the calculation of the number of habitable rooms within the dwelling, I have in my main decision found that the Council's assessment was reasonable based on the Council's Residential Design Guidance.
5. Details of a previous Certificate of Lawfulness for proposed development (CLPD) have been provided to support the appeal. I understand that this application was refused based on materials and the details of the roof light. Nevertheless, it appears that the property has the benefit of permitted development rights and therefore could potentially extend the dwelling through an addition to the roof in a similar form to that presented within the CLPD, without the need for planning permission.
6. The officer report was clear as to why the Council gave no weight to the CLPD as a fall back position, partially on the basis that the form of development was not comparable to the appeal scheme. There is little in the evidence before me to suggest that the Council considered the development within the CLPD as being harmful to the character and appearance of the area. I therefore cannot be satisfied that the Council would have viewed the development of the CLPD to have imposed a greater level of erosion to the symmetry of the appeal property and its attached neighbour, when compared to the appeal scheme.

7. It is for the decision maker to determine the weight to be attached to a material planning consideration. The Council's officer report was clear to the weight which it attached to the alleged fall-back position. The CLPD does not represent development of the same form or scale as the appeal proposal and therefore it is entirely reasonable that the Council did not find the two directly comparable and as a consequence gave no weight to the CLPD in the determination of the application.
8. Whilst the Council referred to the potential for the appeal proposal to be delivered in addition to the CLPD development (if it were deemed lawful in the future), there is little to suggest that this had any direct consequence to the outcome of the application. I interpret that point as being part of the justification as to why the CLPD was not deemed directly comparable to the appeal proposal.
9. In my main decision, I have identified that existing roof dormers have a bearing on the character and appearance of the area. I have also found that the asymmetry between the pairs of semi-detached dwellings is not inherently harmful. Nevertheless, the Council were entitled to reach a different view in their assessment of the application based on the policies within the development plan. This does not represent unreasonable behaviour.

Conclusion

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

L Gardner

INSPECTOR