



Costs Decision

Site visit made on 3 September 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th October 2025

Costs application in relation to Appeal Ref: APP/M1595/W/25/3365618 Fobbing Carp Farm, Fobbing Road, Fobbing, Essex, SS17 9BP

- 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 William Anderson for a full award of costs against Thurrock Borough Council.
 - The appeal was against the refusal of planning permission for 6 x 1+2 bed bungalows for the over 55s.
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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 application for an award of costs is based on the Councils' refusal being based on unreasonable grounds. Specifically, it is alleged that the Council failed to engage proactively, new flood risk evidence was ignored, contradictory actions and the failure to publish key documents. It is claimed that these actions have resulted in unnecessary costs in the appeal process.

Proactive Engagement and refusal based on avoidable issues

4. The Council has outlined several ways in which it actively engaged with the applicant during the application process. This included discussions on matters of principle with the agent and the acceptance of amended plans in an effort to address the highways reason for refusal. While the applicant contends that further information was not requested, specifically regarding mitigation for the Thames Estuary and Marshes Special Protection Area, the Council was not obliged to pursue this, given its in-principal objections to the scheme. Furthermore, the applicant had the opportunity to submit a legal agreement as part of the appeal to address this issue but chose not to do so.
5. Given that the Council had already accepted amended plans during the application process, it was reasonable to limit the submission of further documents at a late stage to ensure the application was determined in a timely manner. I therefore consider that the Council acted proactively, and that no unnecessary costs have arisen in the appeal process in relation to this matter.

Flood Risk Evidence Ignored

6. Updated flood risk evidence was submitted as part of the application. Whilst the Environment Agency did not respond, the Lead Local Flood Authority (LLFA) provided comments and issued a holding objection. The reason for refusal was therefore based on consultee feedback and was reasonable. As it has not been sufficiently demonstrated that the proposed mitigation measures would effectively manage groundwater or surface water, and the LLFA's concerns remain unaddressed, the flooding reason for refusal is upheld. This issue has not been resolved, and as the applicant's statement does not respond to the LLFA's comments, I do not consider that the Council has acted unreasonably or that unnecessary costs have been incurred in relation to this matter.

Contradictory Actions

7. The applicant argues that inviting the agent to submit the site to the Council's Housing and Employment Land Availability Assessment (HELAA) demonstrates inconsistency and procedural unfairness. However, inclusion in the HELAA does not imply that the site is suitable for the proposed development. The appeal site is not allocated for housing, and its inclusion in the 'call for sites' process is neither inconsistent nor procedurally unfair.

Failure to publish key documents

8. It has been alleged that the Council failed to publish a number of documents. However, it is within the discretion of planning officers not to accept amended plans, particularly where several sets have already been considered. It is the applicant's responsibility to ensure that all relevant documentation is submitted at the time of the application. Given the Council's in-principal objections to the proposal, the approach taken was reasonable.
9. Therefore, for the above reasons unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Goldberg

INSPECTOR