



Costs Decision

Site visit made on 7 October 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 10th November 2025

Costs application in relation to Appeal Ref: APP/Z1510/W/25/3369470

Station House, Station Road, White Notley, Essex CM8 1RP

- 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 M Taylor for a full award of costs against Braintree District Council.
 - The appeal was against the refusal of planning permission for the demolition of the existing dwelling and erection of 4no. dwellings.
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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 essence of the applicant's case is that the Council acted unreasonably by taking a decision contrary to pre-application advice, and made vague, generalised or inaccurate assertions about the proposal's impact, unsupported by any objective analysis.
4. Whilst the applicant's frustration regarding the advice received at pre-application stage is acknowledged, this is non-binding, and there is no evidence before me to substantiate that assurances were made regarding the success of the planning application. Moreover, this pre-planning advice (Ref: 24/60208/PREAPP) was in respect of a different scheme to the appeal proposal. It involved alterations and extensions to Station House rather than its demolition. Accordingly, the planning application's reasons for refusal were not contradictory to this advice and this does not constitute unreasonable behaviour.
5. I also found the evidence within the decision notice, and the Council's statement of case to adequately set out its concerns and the reasons for refusal. Furthermore, the Council's original planning application report clearly explains why the proposal is not considered to be acceptable, taking account of the relevant policies within the Local Plan and the National Planning Policy Framework. This includes heritage matters such as the significance of the NDHA, and in identifying that there would be substantial harm caused to it. As such I am satisfied that the Council provided adequate evidence to substantiate in all respects its reasons for refusing planning permission.

6. Furthermore, the applicant's complaints regarding the Council's failure to accept amendments, and delays in communication and the processing of the planning application, do not relate to the appeal process and are outside my remit.
7. For the reasons given above, the expenses listed by the applicant which include the commissioning of planning and heritage consultants, obtaining specialist legal and heritage advice and producing a Heritage Statement are not as a result of unreasonable behaviour by the Council. Accordingly, 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.

Mark Caine

INSPECTOR