
Costs Decision

Site visit made on 30 October 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Costs application in relation to Appeal Ref: APP/M1595W/25/3371488 Street Record, Gunning Road, Grays, Thurrock RM17 6UQ

- 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 Gunning Road Thurrock Ltd for a full award of costs against Thurrock Council.
 - The appeal was against the refusal of planning permission for the erection of Use Class E Building (Commercial, Business and Service) with associated off-street car parking and secure cycle parking provision.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 submits that the Council has failed to provide evidence to substantiate the reason for refusal, and persisted in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
4. For the reasons set out in my main decision, I accepted the appellant's arguments that the scheme would not result in harm to living conditions of the occupants of local properties. I therefore concluded that the appeal should be allowed, although this in itself does not indicate unreasonable behaviour on the part of the Council.
5. I acknowledge that the Planning Committee is not bound by the recommendations of its officers, and so was entitled to take a contrary view in refusing the planning application. Nonetheless, the applicant had a reasonable expectation that this contrary view would be fully explained.
6. I note that the Council has not submitted an appeal statement to support its case, instead relying on the Committee minutes. Whilst this is not unusual, and in my view need not represent unreasonable behaviour, nevertheless it does open the door for an award of costs at appeal if evidence is required to substantiate a reason for refusal.
7. The Committee minutes are scant in detail in relation to the purported impact of the scheme on local living conditions. Members may have agreed that the appeal site is part of a busy estate and have concerns about the potential noise pollution. However, there is no robust argument before me to support these concerns, for example in the form of representations from the Council's Environmental Health Department. Consequently, I find

that the Authority has failed to demonstrate that the development would be inconsistent with development plan policy.

8. I have been provided with the previous appeal decision for a Class E building on the land (Inspectorate reference APP/M1595/W/23/3314032). This involved using the adjoining parking court as an access from Gunning Road through to parking spaces at the rear of the building and was dismissed in respect of living conditions, and so is not directly comparable to the scheme before me. As such, this does not alter the outcome of this costs claim given my findings above.
9. In summary therefore, it is apparent that in refusing this proposal the Council has failed to provide evidence to substantiate the reason for refusal. This has led the applicants to incur unnecessary and wasted expense dealing with this matter on appeal. As a result, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated and a full award of costs is justified.

Costs Order

10. 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 Thurrock Council shall pay to Gunning Road Thurrock Ltd 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.
11. The applicant is now invited to submit to the 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.

C Hall

INSPECTOR