



Costs Decision

Site visit made on 30 July 2025

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th November 2025

Costs application in relation to Appeal Ref: APP/J1535/W/25/3364619 Land at West Essex Golf Club and Netherhouse Farm, Bury Road, Chingford, Essex, E4 7QL

- 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 West Essex GC Green Energy Limited for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for Construction of 10.7MWp Photovoltaic solar farm and associated infrastructure, including sub-station, cabinets, fencing, access tracks and grid connection.
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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. It states examples of unreasonable behaviour include (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; (ii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and not determining similar cases in a consistent manner.
4. With regard to whether the Council have provided sufficient evidence to substantiate their reasons for refusal at appeal, the reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Epping Forest Local Plan that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its appeal statement.
5. The Council has taken time to review the appellant's evidence, submitted at appeal, and responded to it. Therefore, it is clear that the reasons for refusal have been fully considered and the Council decided it would continue to defend its concerns in relation to its reason for refusal. They took part fully in appeal proceedings.
6. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that in exercising their planning judgement the

Council had reasonable concerns about the impact of the proposed development which justified its decision.

7. The Council do not consider that they have behaved unreasonably and point out that the Planning Committee is entitled to come to an alternative view to as to the weight to be attributed to the very special circumstances put forward by the applicant. The applicant considers greater weight should have been given to an allowed appeal for a solar farm elsewhere in the district, however it is for the decision maker to have regard to all of the facts before them and deal with each case on its own merits. A Planning Committee decision which goes against officer advice is not a reason to give an award of costs in itself as the Committee were entitled to come to their own conclusions on the weight to be given to the benefits of the proposal.
8. I therefore 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 warranted.

G Pannell

INSPECTOR