
Costs Decision

Site visit made on 15 October 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Costs application in relation to Appeal Ref: APP/J1535/W/25/3368577 181-185 Impact House, High Road, Chigwell, Essex IG7 6NU

- 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 Whitton (Impact Developments Chigwell Ltd) for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings to create new residential development providing 14 new flats and ground floor commercial/retail space, without complying with conditions attached to planning permission Ref EPF/0218/18, dated 25 July 2018.
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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. Unreasonable behaviour may be either procedural or substantive and examples of both are given in the PPG. In this case, the appellant alleges that the Council behaved unreasonably in a substantive sense, by failing to produce evidence to substantiate the reason for refusal and making vague, generalised or inaccurate assertions about the proposal's impact, which were unsupported by any objective analysis. More specifically, it is alleged that the Council failed to take into account all the information presented, including the proposed positioning of the inner balustrade and the cross-section on drawing no. 2024-1842-P001 which illustrated the available sight lines.
4. The Council's case is set out in their Officer Report and no separate appeal statement has been submitted. The Officer Report accurately describes the proposed arrangement of a privacy screen on the edge of the balcony/terrace, with a parallel balustrade set in from that. However, the cross-section drawing is not mentioned. The final analysis of the proposal is very brief and does not clearly describe the available sight line as illustrated on that drawing. However, the reason for refusal does clearly specify the harm which the Council alleges to arise from the proposal. It also refers to both the height and siting of the proposed measures.
5. Furthermore, despite having given careful attention to the cross-section drawing, along with all the other evidence before me, I have reached the same conclusion as the Council, that the proposed screen and balustrade would have an unacceptably

harmful effect on living conditions for occupiers of neighbouring properties on Dickens Rise. That being the case, in my judgement the Council's decision was not inherently unreasonable and there is no clear evidence that they would have reached a different conclusion, had the cross-section drawing been more explicitly analysed in the report.

6. It follows that there is no evidence that the appeal could have been avoided. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Jane Smith

INSPECTOR