
Costs Decision

Site visit made on 6 November 2025

by Ms Beloe MSc DIC BSc (Hons) CSci CEnv C.WEM MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 24th November 2025

Costs application in relation to Appeal Ref: APP/P1560/W/25/3371459

Barn B at Bush Farm, Hall Road, Great Bromley CO7 7TR

- 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 Simon Brazier for a full award of costs against Tendring District Council.
 - The appeal was against the refusal of planning permission for the erection of three dwellings (in lieu of Prior Approval for three self-build dwellings approved under 25/00156/COUNOT).
-

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 on the part of a local planning authority may include 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The applicant contends that the behaviour of Tendring District Council (the Council) was unreasonable in refusing planning permission, which has caused the applicant to incur unnecessary and wasted expense in pursuing this appeal.
5. The Council responded directly to the application for costs, responding in its rebuttal to each claim made by the applicant.
6. The applicant asserts that the Council has been unreasonable in its misapplication of the fallback test and misapplied the law by treating the fallback test as a matter of appearance rather than planning harm, and that this error of interpretation is the principal reason why the application was refused and why the appeal was necessary. It can be seen from my decision that having regard to the appeal scheme's layout, scale, prominence and design, it would have a more harmful impact upon the character and appearance of the area than the Class Q scheme, and as a consequence I afford the fallback position limited weight in support of the appeal scheme.

7. The applicant states that the Council has been vague in its reasons for refusal providing unsubstantiated assertions citing that the PPG (Paragraph 049, Reference ID: 16-049-20140306) states that vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis, will not be sufficient to justify a decision. It can be seen from my decision that I have come to a similar conclusion on the harm posed by the proposed development relating to the character and appearance of the area. I do not consider the Council's reasoning to be vague or unsubstantiated. This is a matter of planning judgement which the Council has undertaken and justified with reasoning.
8. The applicant contends that the Council's refusal cited NPPF paragraphs 131 and 135, and Local Plan Policies SP7, SPL3, and PPL3, but provided no clear explanation of how the proposal conflicted with specific policy requirements. The applicant contends that the proposal demonstrably meets those criteria (high-quality design, sympathetic to character, sustainable measures, appropriate layout and landscaping). It can be seen from my decision that I agree that the proposed development conflicts with the policies cited above regarding the effect of the proposed development on the character and appearance of the rural area. I explain in my decision that collectively these seek, among other aspects, that all new development responds positively to local character and context to preserve and enhance the quality of existing places and their environs, and protect or enhance local character, which the proposed development fails to do. Whilst the proposed development may meet some specific criteria of these policies in isolation, it conflicts with the policies when taken as a whole. I consider the Council's reasoning provided in their refusal to be adequate.
9. The applicant asserts that the Council has ignored positive material considerations in that the Officer's assessment confirmed that residential amenity, highways, drainage, ecology, and sustainability were all acceptable. It can be seen from my decision that the absence of objections relating to these aspects are neutral factors.
10. The applicant states that the Council had not adequately considered the planning balance in relation to the appeal scheme. I am satisfied that the Council gave a reasoned assessment for its decision. It can be seen from my decision that I also conclude that the benefits proposed in respect of the appeal scheme only attract very little weight.
11. Overall, it can be seen from my decision that I agree with the Council that there were sufficient grounds for refusing planning permission. I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal and that the applicant has incurred no wasted expense.

Conclusion

12. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

Ms Beloe

INSPECTOR