



Costs Decision

Site visit made on 7 November 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Costs application in relation to Appeal Ref: APP/X1545/W/25/3372702

Land adjacent to Oakleigh, Burnham Road, Althorne CM3 6BY

- 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 B White for a full award of costs against Maldon District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of one, five-bedroom, self-build dwelling with associated infrastructure.
-

Decision

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

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. The applicants consider that the failure of the Council to determine the planning application within a reasonable period represents unreasonable behaviour which has caused them to incur unnecessary and wasted expense by having to submit an appeal in order to receive a decision.
3. The PPG states that circumstances which may lead to an award of costs 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. However, the failure to determine an application within the statutory period, or within an agreed extended period, will not necessarily amount to unreasonable behaviour.
4. The applicant states that all of the information had been submitted with the planning application along with the required mitigation payment relating to European sites, meaning that the Council had everything it needed to make a decision. The Council does not dispute this point. It is also asserted that the planning officer dealing with the application repeatedly confirmed that the application was to be recommended for approval. The Council has provided an appeal statement which identifies that the proposal would not conflict with the relevant development plan policies which supports this position.
5. The application was submitted to the Council in March 2025 and should have been determined in May 2025. The appeal was started on 17 September 2025. The applicant is frustrated that they were told a decision was to be made imminently on a number of occasions, but that decision was not forthcoming. The email correspondence submitted identifies that on two occasions in July and once in September, the planning officer stated that it was hoped the decision would be

issued the following day or the day after. Whilst the site address is not specifically referred to in two of those email extracts, the Council has not disputed that the contents of those emails relate to the appeal scheme before me now.

6. The Council has identified that the delay in issuing the decision stemmed from exceptional staffing pressures following two officers leaving, annual and compassionate leave and the need for work to be shared across the remainder of the team and prioritised accordingly. It appears that the Council prioritised decisions where extensions of time had been agreed. In the case of the appeal scheme before me, no extension of time had been sought or agreed between the parties, a matter that the Council states was an oversight at the time.
7. The Council asserts that despite ongoing dialogue with the applicant's agent on the appeal scheme before me now and other schemes elsewhere, they did not raise that the issuing of the decision was time critical or their intention to appeal. Had it been so, the Council suggest that the case could have been re-prioritised and a decision issued, avoiding an appeal. However, I do not consider that it was the applicant's responsibility to identify that the application was time critical or that they should have informed the Council of their intention to appeal. In any event, it appears that the applicant had chased the Council on at least three occasions asking when a decision would be issued, which would suggest that they wanted a decision to be made.
8. Whilst the Council has set out that it has acted proactively with the applicant's agent on another scheme, this does not alter the behaviour in relation to the appeal before me now. The Council state that authorities are entitled to take the time necessary to assess applications properly, and the absence of an agreed extension of time does not in itself make delay unreasonable. Nevertheless, it is clear that the Council had assessed the application, that the recommendation of approval had been identified and that a decision was imminent for quite some time. I find that the failure to issue a decision in these circumstances does constitute unreasonable behaviour and an appeal could have been avoided if the Council had issued its decision in response to the requests made by the applicant.
9. Consequently, I consider that the Council has acted unreasonably by delaying development which should have clearly been permitted. This has resulted in unnecessary or wasted expense, with the applicant having to submit the appeal.

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 Maldon District Council shall pay to Mr B White, 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.

The applicant is now invited to submit to Maldon District 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.

G Dring INSPECTOR