



Costs Decision

Site visit made on 5 November 2025

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH November 2025

Costs application in relation to Appeal Ref: APP/C1570/X/24/3356493

The White House Coffee Co Ltd, The Roastery, Clavering Road, Manuden, Essex, CM23 1BQ

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. The application is made by Mr Charlie Kershaw against Uttlesford District Council, for a full award of costs on procedural and substantive grounds. The application and the Council's response were both submitted in writing so the following is a brief summary of the main points.

Case for the Applicant

4. On substantive grounds the Council failed to provide sufficient evidence to justify its conclusion that the commercial use as coffee roastery did not result in a breach of condition 4 of planning permission reference UTT/0571/10/FUL (the 2010 permission). The Council seeking to rely on the fact that it was not aware of the use until enforcement officers were informed, is not evidence that the use had not been taking place. The Council did not bring any evidence of its own to justify its position.
5. Procedurally, three different case officers handled the application prior to determination. One of those case officers identified that they did not see any concerns with the application but no further explanation of why that position changed was given.

The Council's Response

6. The sale of the White House Corner and the separation of the dwelling from the outbuilding in 2018 severed the link between the outbuilding and the dwelling such that condition 4 was breached at that point in time. Prior to that it was not obvious that there had been a breach of condition 4 of the 2010 permission and the applicant could therefore only demonstrate 7 years of a continual breach which was not enough to demonstrate that the use was lawful.

7. The initial case officer left the Council before the application was determined. It was then allocated to another case officer but passed to a third officer due to the fact that he was handling the planning application relating to the site, such that it made operational sense. Whilst the initial case officer may have indicated a direction of travel, that was a personal view of the case officer and the official view of the Council was not revealed until the case was determined.

Reasons

8. I can deal with the matter of costs relatively briefly. As with many lawful development applications, the determination rests on the facts of the case and any judicial authority. The Council did focus on whether there had been a breach of condition 4 of the 2010 permission and didn't provide any evidence of its own to explain why it considered that the coffee roasting business was ancillary to the residential use of White House Corner. The assessment was somewhat vague in that respect.
9. Ultimately, for reasons set out in my associated decision, I agreed with the appellant that the use had not been ancillary since at least late 2011/ 2012. However, the Council did point to a change in the circumstances of the site following the sale of the dwelling at White House Corner in 2018, correctly so in my view. The Council was of the view that the sale was such that condition 4 was breached at that point in time.
10. Whilst I consider that the condition was breached at an earlier point, the change in ownership did result in a change in the planning circumstances at the site through the creation of two separate planning units. In my view that led to a further material change of use. Ultimately, I reached the same conclusions as the Council but for different reasons. Similarly, I agreed with the appellant that condition 4 had been breached but differed as to the consequences of that and in respect of the effect of segregating the dwelling from the commercial use.
11. The above goes to show that it wasn't a straightforward decision and neither party behaved unreasonably in submitting their respective cases. The fact that I didn't agree with the Council in terms of its reasoning doesn't dictate that its view was unreasonably held. The change in ownership was significant. Therefore, there are no grounds for an award on substantive grounds.
12. Whilst the original case officer may have offered a view it is clear that such views are not binding on the eventual decision of the Council. It is common for case officers to have a personal view but those views may be challenged by senior officers who have delegated authority to make the actual decision, as commonly occurs. Consequently, there is nothing unusual or unreasonable in the actions of the case officers with respect to how the application was handled.
13. In the absence of any unreasonable behaviour on substantive or procedural grounds there is no basis for an award of costs and I shall dismiss the application.

Chris Preston

INSPECTOR