
Costs Decision

Site visit made on 5 November 2025

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Costs application in relation to Appeal Ref: APP/J1535/W/25/3369994

45 Sparelease Hill, Loughton, Essex IG10 1BS

- 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 Richard Rains for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling, and erection of two-storey detached replacement dwelling.
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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. The applicant considers that the Council behaved unreasonably by preventing development which should have clearly been permitted, failed to provide evidence to substantiate each reason for refusal and made vague, generalised or inaccurate assertions about the proposal's impact, which were unsupported by any objective analysis.
4. The Council cost rebuttal sets out that the Councillors carried out a significant discussion regarding the proposal. It is unfortunate that the Council has not provided a Statement of Case. However, the reasons for refusal, although brief, are precise in defining the Council's concerns regarding the proposal, the harm that would be caused, and they clearly state the policy of the development plan which the proposal is considered to conflict with. The issues that the applicant needed to address in their appeal submission were apparent.
5. Whilst I have reached a different conclusion to the Council in respect to the reasons for refusal, it does not mean that the basis for the refusal was unsupported or that the Council were manifestly unreasonable in reaching their decision. Planning judgement is required when considering the effects of a proposal on the area and the neighbouring properties. The difference in opinion between the applicant and the Council is a disagreement about legitimate matters of planning judgement.
6. There is no compelling evidence to show that objections from neighbouring occupiers were heavily relied upon when the Council made their decision. The matters raised by the neighbouring occupiers on residential amenity grounds are

material considerations, and it was therefore not unreasonable for the Council to have regard to them in their decision-making.

7. I have not been advised as to the Council site visit procedures for applications decided by their Committee. However, the information with the planning application included proposed elevation drawings showing the proposed dwelling in relation to the neighbouring houses on either side, and front and rear aerial photographs showing the proposal. Despite the lack of a site visit, Councillors had detailed information before them to allow them to make a reasoned assessment of the proposal and its merits. It is open for the Councillors to make their own judgement on the evidence that is before them, even if Officers have recommended the application for approval. The Council has therefore not acted unreasonably by determining the application without making a site visit.

Conclusion

8. For the reasons given above, I am satisfied that the Council has not behaved unreasonably in concluding in the way it has in exercising its planning function. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

L Reid

INSPECTOR