



Costs Decision

Site visit made on 7 October 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Costs application in relation to Appeal Ref: APP/J1535/D/25/3369709

Oakleigh House, Hamlet Hill, Roydon, Harlow, Essex CM19 5JZ

- 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 Mustaf Pnishi for a partial award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for new triple car garage, tennis court and enclosure, football pitch together with boundary treatments to north western & south western boundaries, new access and gate onto southern boundary with Hamlet Hill and retaining walls, steps & fences within the site boundary.
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Decision

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

Preliminary Matter

2. The applicant does not state whether a full or partial award is sought. However, by reason of the nature of the reference in the applicant's appeal statement regarding an award of costs, I have interpreted it as being one for a partial award and have proceeded on that basis.

Reasons

3. 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.
4. It also sets out that a local planning authority is at risk of an award of costs for vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and failure to produce evidence to substantiate each reason for refusal on appeal.
5. The second reason for refusal states "The proposed development due to its failure to meet minimum dimension requirements for garage development as outlined in Essex Parking Guidance 2024 Part 1 does not accord with Policy T1 of the Epping Forest District Council Local Plan 2011-2033 (2023) and NPPF 2023". It is accepted that the proposed garage would fall short of the minimum garage dimensions set out in Table 7-4 of the Essex Parking Guidance 2024 Part 1.
6. During the original planning application, the Highway Authority's assessment focussed on the effect of the proposal on the road network and their response confirmed that the proposal would not be detrimental to highway safety, capacity or efficiency. The Highway Authority's comments did not make reference to the

parking arrangements at the appeal site. The Council accepted the Highway Authority's conclusions, and it was not unreasonable for the Council to then proceed with their own assessment of the parking provision against the development plan policies.

7. However, Policy T1 of the Epping Forest District Council Local Plan 2011-2033 (2023) (LP) requires, amongst other things, for development to provide appropriate parking provision, in terms of amount, design and layout. Although the garage would not meet the specified minimum dimensions as set out in the parking guidance document, the Council has made no assessment of the other parking arrangements on the site nor explained how the proposal would fail to provide appropriate parking as a result of the undersized garage. The Council did comment on the location of the proposed garage in relation to the main house, however this seemed to form part of an assessment of the new access to the site and was separate to the assessment of the size of the garage.
8. Consequently, the Council has failed to identify any harm that would be caused by the size of the garage and has not clearly expressed how the garage would conflict with LP Policy T1. The Council has therefore behaved unreasonably by making vague assertions about the impact of the proposal and failing to produce evidence to substantiate the second reason for refusal. As discussed in my Appeal Decision, ample parking provision would be available at the appeal site and as such there would clearly be no conflict with LP Policy T1. The Council's actions have therefore caused the applicant to address a reason for refusal that has not been substantiated, resulting in additional expense.
9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the reason for refusal relating to parking provision and a partial award of costs is therefore warranted.

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 Epping Forest District Council shall pay to Mr Mustaf Pnishi, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in defending the second reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Epping Forest 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.

D Ellis

INSPECTOR