



Costs Decision

Site visit made on 7 October 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 January 2026

Costs application in relation to Appeal Ref: APP/W1905/W/25/3367507 Borne House, 221 Turners Hill, Cheshunt, Waltham Cross EN8 9DG

- 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 Klara Homes for a full award of costs against Broxbourne Borough Council.
 - The appeal was against the refusal of planning permission for single storey roof extension to create additional residential units.
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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. It also sets out that a local planning authority is at risk of an award of costs for 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; failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and refusing planning permission on a planning ground capable of being dealt with by conditions, where it is concluded that suitable conditions would enable the proposed development to go ahead.
4. Although the submitted correspondence shows that the Council did not provide any comments on the draft Statement of Common Ground (SoCG), it is clear through the contents of the Council's appeal statement that the Council did not agree with the elements of the SoCG which allege that Reasons for Refusal 1 and 3 are undefendable. It was therefore not unreasonable of the Council to fail to agree with the draft SoCG.
5. With regards to Reason for Refusal 1, the Council's assessment of the effect of the proposal on the living conditions of neighbouring residents refers to 60° light angle guidelines within the Council's Borough Wide Supplementary Planning Guidance (SPG). The excerpt of the SPG provided by the applicant shows that the 60° guidelines apply in the case of single-storey, first floor or two-storey extensions. Although an upwards roof extension to a three-storey building is not explicitly referred to, the SPG guidance seeks to determine the acceptability of extensions in

- terms of the impact on adjoining properties and the 60° light angle would provide a useful guide in such an assessment. As such, it was not unreasonable for the Council to take account of this guidance in reaching their conclusion.
6. Even if a proposal would be acceptable in terms of the levels of daylight and sunlight received by an adjacent property, it does not follow that the proposal would also have no harmful effect on the outlook from the adjacent property, as whether a proposal would cause a harmful overbearing effect or reduction in outlook is a subjective matter. The Council has clearly explained how, in their view and in addition to the breach of the 60° line, the overall increase in height would cause an unacceptable overbearing effect.
 7. In relation to Reason for Refusal 3, the Highway Authority expressed in their consultation response their concerns with the surveys carried out in the applicant's Transport Note dated November 2024. Furthermore, the Transport Note clearly shows that, at the time of the parking stress survey, very few unrestricted parking bays were available in nearby roads. The Council acknowledges that there are various amenities and public transport links within walking distance of the site. However, the Council goes on to clearly outline the parking restrictions, and their assertion that the location is 'subject to acute parking pressure' is supported by the results of the parking stress survey in the Transport Note.
 8. For these reasons, I am satisfied that the Council has substantiated Reasons for Refusal 1 and 3 and has not made or relied upon vague, generalised or inaccurate assertions about a proposal's impact.
 9. Turning to Reason for Refusal 2, and notwithstanding my conclusions on this matter in the appeal decision, the Council clearly reasons why, in their view, the proposed location of the refuse and recycling storage facilities was unacceptable. In light of the Council's conclusion, the appellant asserts that these facilities could be provided within the appeal site and a suitably worded condition could secure this. However, the Council states that bin storage areas must be located as far as practical from windows and ventilators to habitable rooms. The appellant has not suggested any specific alternative part of the site which could be used, and the locating of these facilities further from the building could result in the loss of car parking spaces. Any reduced car parking provision could exacerbate the issues regarding Reason for Refusal 3. For these reasons, I am not persuaded that this matter was readily capable of being dealt with by way of conditions.
 10. Moreover, even if such a condition would resolve Reason for Refusal 2, the other reasons for refusal would remain. As such a suitable condition would not enable the proposed development to go ahead.
 11. The Council has not prevented or delayed development which should clearly be permitted. It seems to me that in this case there was a fundamental disagreement between the parties that could have only been resolved by appeal.
 12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Ellis

INSPECTOR