
Costs Decision

Site visit made on 16 December 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th January 2026

Costs application in relation to Appeal Ref: APP/C1570/W/25/3373725

Field House, Berden, Essex CM23 1AD

- 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 Nick Hagger for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for conversion and extension of existing building into one 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 PPG¹ provides examples of types of behaviour which may give rise to a substantive award against a local planning authority (LPA), including a failure to produce evidence to substantiate each reason for refusal on appeal, and 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.
4. The applicant alleges the Council acted unreasonably as it did not provide a statement of case during the appeal and ought reasonably to have permitted the proposal on the basis of the information provided with the planning application.
5. The reason for refusal set out on the Council's decision notice clearly articulates the harmful effects of the proposal and the development plan policy which it would conflict with. The accompanying delegated officer report sets out the Council's assessment of the proposal against development plan policies and other material considerations, including the National Planning Policy Framework (the Framework).
6. Notably, at "Locational Suitability - Access to services and facilities", the officer identified the characteristics of the site, namely that access would be reliant on "narrow country lanes devoid of footpaths and street lighting and there are no cycle routes linking the site". This informed their conclusion that the proposal would be inconsistent with the development plan and the provisions of the Framework on the basis the site is "poorly served by sustainable modes of transport, and the proposal

¹ Paragraph: 049 Reference ID: 16-049-20140306

would be contrary to LP Policy GEN1, which seeks to encourage movement by means other than car". For these reasons, I am satisfied the Council adequately substantiated its reason for refusal with evidence.

7. The *Procedural Guide: Planning appeals – England* states that the relevant documents considered during the application process should be sufficient to present the LPA's case². If the LPA decides it needs to make further representations, it should provide a full statement of case³. For this appeal, the Council chose not to submit a statement of case. This cannot constitute unreasonable behaviour since submission of a statement is at Council's discretion.
8. Moreover, since the reason for refusal had already been substantiated by evidence set out in the delegated report and decision notice, the absence of a statement of case does not amount to a failure in this regard.
9. As set out in the delegated report, the Council recognise that it cannot demonstrate a five-year supply of housing land and considered the scheme against the provisions of paragraph 11 of the Framework. Through this balancing exercise, the officer concluded the significant adverse impacts identified would significantly and demonstrably outweigh the scheme's benefits. I am satisfied the Council had regard to all relevant material considerations and did not prevent development which should clearly be permitted.
10. The applicant incurred expense during the appeal process, including preparation of evidence documents and written statements. However, I do not consider the Council behaved unreasonably and therefore the appeal and costs associated with it could not have been avoided.
11. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

E Dade

INSPECTOR

² Paragraph 9.5.4.3

³ Paragraph 9.5.5.1