
Costs Decision

Site visit made on 6 January 2026

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Costs application in relation to Appeal Ref: APP/W1905/W/25/3370662 Rye works, Rye Road, Hoddesdon, Hertfordshire EN11 0EG

- 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 E & J Properties Limited for a full award of costs against Broxbourne Borough Council.
 - The appeal was against the refusal of planning permission for the use of site as scrapyard for end-of-life vehicles together with associated warehouse, site welfare office, weighbridge, and 'Lindeman' processing infrastructure.
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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 appellant states that the Council's decision to refuse the application was unreasonable and that the additional cost of appeal was unnecessary and unduly punitive. The appellant highlights extracts from the PPG stating that the Council acted unreasonably by refusing or failing to determine planning applications and preventing or delaying development which should clearly have been permitted. Furthermore, it is stated that the Council made vague, generalised or inaccurate assertions about the proposal's impact which were unsupported by objective analysis.
4. Whilst the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached, the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and to provide clear evidence to substantiate that reasoning.
5. The resolution made by the Committee in November 2024 appeared to centre on the fact that the proposal was contrary to BLP Policy HOD4, which allocated most of the site for residential development, and reference was made to environmental impacts. It is clear from the officer report that this was regarded as a complex site, being an historic industrial area with a significant period of low-level use and vacancy, and a clear intent by the Council through the Local Plan to allocate it for housing. Also, to see its enhancement as a gateway to the Lee Valley Regional Park. In the background, there were repeated efforts to resolve access difficulties to realise the residential permission. This situation must have been frustrating for all

- parties, and it appeared not unreasonable for the committee to be advised by officers to seek legal advice on their proposed reasons for refusal in these circumstances.
6. In relation to environmental issues, the officer report noted that the industrial plant and machinery would not be visually attractive and there appeared to be limited submitted documentation to assess visual impact more generally. Furthermore, the report references objections relating to character and appearance and designated heritage assets, including from The Lee Valley Regional Park Authority, Hoddesdon Society, and the Canal and River Trust. Furthermore, in relation to traffic movements, the officer report noted that the routes to the industrial area were far from ideal for larger vehicles and the issue was clearly a concern to many in the local community. Therefore, despite the officer's recommendation, the evidence suggests to me that the Committee had grounds for concern, and their actions did not seem unreasonable.
 7. At the planning committee in May 2025, officers updated members on efforts to resolve the access problems preventing residential use of the site. Therefore, this delay in the determination of the application appeared worthwhile even if ultimately the access could not be resolved. Again, the committee still had concerns with the application, and as the residential use appeared incapable of implementation for the time being, it turned its attention to what the car processing site would look like. It does not appear to me that the Council 'made up new reasons' but pursued other matters which had already been raised. Given the concerns mentioned above, it was not unreasonable for the Committee to defer its decision and request more information on the practical operation of the site and a visual impact assessment.
 8. Turning to the decision by the Council, subject to this appeal, the appellant was clearly aware of the concerns regarding the visual impact of the proposal and had responded by reducing the height of the machinery and provided updated drawings including site sections. However, the scalable CGI images requested by the Committee did not appear to have been provided. Objections including from the Lee Valley Regional Park Authority, Canal and River Trust and The Hoddesdon Society were maintained. Therefore, it was not unreasonable for the Committee to take a further view on the visual impact of the proposal and to find harm. The site may have an extant industrial use but that does not make all future uses of this nature acceptable. I have found that the submitted information remained inadequate to assess the true impact of the proposal on the character and appearance of the area, including on designated heritage assets. Based on what is before me, I have also concluded that there would be a harmful impact.
 9. In relation to the second reason for refusal, the County Highways Authority did not object to the proposal, but its assessment appeared to focus mainly on the traffic impacts on the highway network and specifically the number of traffic movements. However, numerous strong objections were made by The Hoddesdon Society and others in relation to the impact on residents of HGVs on Fishermans Way. The concerns regarding noise and disturbance appeared valid given the relatively recent residential development along Fishermans Way, the length of time that the appeal site had been underused, and an expectation of a residential use on the appeal site. Although I have concluded differently on this matter, I am satisfied that this reason for refusal was not unreasonable.

10. I appreciate that the outcome of the application would have been extremely disappointing for the appellant, and I understand the frustration regarding finding a beneficial use for the site. However, there are reasonable grounds to conclude that overall, the Council properly evaluated the application and considered the merits of the scheme, and therefore the appeal could not have been avoided. The reasons for refusal were clear, precise and identified the relevant policies. The Council had reasonable concerns about the impact of the proposal which justified its decision. The appellant had to address those concerns and the evidence of third parties in any event.
11. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason and having regard to all other matters raised an award for costs is not justified.

G Bayliss

INSPECTOR