



Costs Decision

Site visit made on 13 January 2026

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Costs application in relation to Appeal Ref: APP/J1915/W/25/3375831

Land at Bishops Stortford North, Bishops Stortford CM23 2JP

- 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 Bishop's Stortford North Consortium for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of the Council to discharge a condition.
-

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 PPG also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
4. The appellant is seeking full costs on the basis that the Council went beyond the remit of condition 1b of planning reference 3/22/0214/VAR and this has resulted in them having to employ a consultant to appeal the refusal to discharge the condition.
5. Condition 1b is seeking to ensure that the development is constructed in accordance with a suitable phasing plan; ensuring for instance that appropriate infrastructure is brought forward along with the additional dwellings. The Council has clearly demonstrated that it has sought to ensure an appropriate phasing of the development, ensuring for instance that suitable road connections as well as connections to encourage sustainable transport. The Council has therefore been seeking to ensure a comprehensively planned development and prevent delay in commencing key elements of the proposal.
6. However, from the evidence before me the Council did seek to go beyond what the original phasing plan controlled in seeking to add additional controls on when development must be completed. Therefore, while the Council erred in its decision making it is not clear that the Council was being unreasonable.

7. I have also noted that the Council worked with the appellant to allow the amendment to come through as a discharge of condition, rather than via Section 73 of The Town and Country Planning Act 1990. The Council has demonstrated that it has complied with paragraph 39 of the National Planning Policy Framework, in seeking positive and creative ways to achieve acceptable development. I have given significant weight to the Councils behaviour and actions during the planning application. On this basis I am not convinced the Council acted in an unreasonable manner during the application.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Phillips

INSPECTOR