



Costs Decision

Site visit made on 7 January 2026

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 19th February 2026

Costs application in relation to Appeal Ref: APP/W1905/W/25/3374697

45 Turners Hill, Cheshunt, Hertfordshire EN8 8NJ

- 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 DPA (London) Ltd for a full award of costs against Broxbourne Borough Council.
 - The appeal was against the refusal of planning permission for extensions and change of use to create a four-storey building with part restaurant part hotel use within the ground floor and hotel use within the upper floors.
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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 application essentially relies on the fact that the applicant considers that the proposal is not one that should be at appeal as the site is not allocated for housing and there has been no in principle objection to the proposal, save for the Council's preference for housing development on the site.
4. Although for the reasons set out in my appeal decision, I ultimately agree that the appeal site would be a suitable location for the proposed development, I understand the point that the Council are making about the lack of housing. Policy H1 of the Broxbourne Local Plan, June 2020 (BLP) seeks to optimise the potential for housing, and the proposal would result in no residential units whereas the previous use of the appeal site included a residential element as did a scheme that was relatively recently granted planning permission. Consequently, the Council have not acted in such an unreasonable manner as to justify an award of costs.
5. The appellant also highlights that the Council has prevented or delayed development which should clearly be permitted and they have not provided evidence to substantiate each reason for refusal. They also point out that the Council have provided inadequate evidence in relation to their parking and servicing concerns particularly as the highway authority have raised no objection and the relevant officers recommended approval.
6. I have noted the recommendation of the Council Officers to approve the application and that the highway authority withdrew their objection following the receipt of

further information in relation to parking and servicing. However, Council Members were entitled not to accept the professional advice of Officers so long as they can reasonably substantiate each reason for refusal.

7. Although ultimately, I have found that the servicing arrangements would be acceptable, as noted in the appeal decision, the width of the service lane is constrained. Although the appellant was able to provide additional information to address the highway authority's concerns, it is not unreasonable for the Members to have reached a different view given the particular circumstances involved. Their concerns were matters of planning judgement, the reason for refusal in relation to servicing is easy to understand and was supported by specific reference to a relevant development plan policy.
8. Similarly, in relation to parking, the proposal falls significantly short of the parking requirements set out in the development plan. Although given the location of the appeal site I consider the parking provision would be adequate, it is not unreasonable for the Council to have reached the view they did, which again is a matter of planning judgement. Therefore, the Council did not act unreasonably in refusing the application on that ground either.
9. As result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to any unnecessary or wasted expense.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Rawle

INSPECTOR