



Costs Decision

Inquiry held on 25 November 2025

Site visit made on 25 November 2025

by **Peter White** BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Costs application in relation to Appeal Ref: APP/J1535/X/25/3368397

47 Roydon Lodge Estate, High Street, Roydon, Harlow, Essex CM19 5EF

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Dean Keys for a full award of costs against Epping Forest District Council.
 - The inquiry was in connection with an appeal against the refusal of a certificate of lawful use or development for details of development or use.
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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's case was set out in his formal written application for costs and at the Inquiry. It is that the Council have failed to take into account well-established case law which indicates that the period for taking enforcement action was 4 years and that, had they done so, the certificate would have been issued. Consequently, the appellant claims he has unnecessarily incurred the costs of making the appeal, including employing a planning consultant and barrister.
4. At the Inquiry, the appellant's barrister advised that the costs decision would turn on whether the decision made by the Council was unreasonable. In my appeal decision I concluded that the relevant period for taking enforcement action was 10 years and that the Council's decision was well founded. It therefore follows that the Council's decision was not unreasonable, and the appeal was not unnecessary. The application for a full award of costs must therefore fail.
5. Following the Inquiry, and at the invitation of the barristers, I sought further clarification on points of law arising from the change in the case made by the appellant at the Inquiry. As an application for costs had been made by each party at the Inquiry, and further comments on costs had been made in those submissions, I invited each party to make final comments in relation to the applications made after those submissions had concluded.
6. The appellant seeks the costs of those submissions, at least in part, on account of submissions made by the Council in relation to whether or not I was able to amend

the description of development for which a certificate was sought. That was not a matter on which my decision turned, but the need for the submissions arose on account of the appellant's revised case, which was presented for the first time at the opening of the Inquiry, and the Council did not behave unreasonably in responding to my request and the appellant's response to it.

7. Part of the appellant's final costs response also seeks to extend the scope of his application to include the change in the Council's case, which occurred with submission of its Statement of Case before the opening of the Inquiry. That argument, and claim, could have taken place at the Inquiry and does not arise from the legal submissions made subsequently. Had it been raised at the Inquiry, the Council would have been afforded an opportunity to respond to it, I would have considered it. However, it is too late now to consider that new matter, which amounts to a new application for a partial award.

Conclusion

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

Peter White

INSPECTOR