



Costs Decision

Site visit made on 28 January 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2026

Costs application in relation to Appeal B Ref: APP/A1530/W/25/3375126

Land rear of Rouval, Turnpike Close, Langham, Colchester CO4 5NG

- 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 Mrs Cheryl Hayhoe for a full award of costs against Colchester City Council.
- The appeal was against the refusal of planning permission for the use of land for dog exercising.

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. The application is for a procedural and substantive award relating to the process and issues arising from the merits of the appeal.
3. I understand that the Officer Report was not available from the Council's website at the time the appeal documentation was prepared. It is unclear what the appellant did to obtain a copy of that report. However, in this case the contents of that report, considered below, mean that it is unlikely it would have affected the submissions of the appellant. In any event, the appellant had the opportunity to respond to it at final comments stage of the appeal. So, whilst the fact this was not made available alongside the decision may be unreasonable, it would not have led to unnecessary or wasted expense.
4. The Officer Report contains an assessment of the planning application and considers the effect of the use of land for dog exercising would affect the living conditions of occupiers of neighbouring properties. It includes consideration of an email sent by the Environmental Health Licensing Technical Officer that indicated they had some concerns about this use and had received a complaint. They also appear to have agreed with the decision. Nevertheless, the Officer Report summarised comments from "Env Prot" that indicated they did not object to the application, subject to conditions restricting the hours of use and number of dogs on the site. The relationship between these comments is unclear.
5. Taking account of the above, it was reasonable for the Officer to balance the considerations put forward, including those of the Environmental Health Licensing Technical Officer and Environmental Protection, in coming to their own professional

view. I appreciate that I have come to a different conclusion based on the information submitted during the course of the appeal. Nevertheless, I consider that the Council's decision was reasonable.

6. I note that there are other procedures available to deal with excessive noise, my attention having been drawn to the Environmental Protection Act 1990 and the Council's published procedures. These are separate from planning procedures under which the Council considered the application.
7. The appellant wrote to the Council on 24 October 2025 with a series of questions to which I understand no reply was received by the time the appeal was submitted on 28 October 2025. This related to the lack of an Officer Report and the nature of complaints as to the use. Taking account of the period between the letter and submission of the appeal, there was nothing unreasonable in the Council not having dealt with it a timescale that would have allowed the appellant to take the response into account in preparing their appeal submissions.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

AJ Steen

INSPECTOR