



Costs Decision

Site visit made on 7 January 2026

by **F. Bradley BRP (NZ) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Costs application in relation to Appeal Ref: APP/J1535/W/25/3375562

Spencer House, King Street, High Ongar, Ongar, Essex CM5 9NR

- 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 Mr & Mrs B Tappin for an award of costs against the decision of Epping Forest District Council.
 - The appeal was against the refusal of the Council to grant planning permission for development described a "Proposed American barn style stables together with manage/arena and change of use to equine".
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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 applicants have not stated whether a full or partial award of costs is sought. Based on the details of the application, I have considered the application on the basis that a full award is sought.
4. The applicants contend that the Council incorrectly considered the application on the basis that the development could be used for commercial purposes despite it being proposed for use by a family member only. In particular, it is argued that the Council's concern in that regard could have been addressed by a planning condition and that it made assumptions about the use and traffic generation rather than determining the application on the information submitted. The applicants also claim that the Council's assessment indicates that it may not have visited the site; the implication being that this may have undermined the decision.
5. The PPG states that unreasonable behaviour on the part of the local planning authority may include: making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead; and, not determining similar cases in a consistent manner.

6. The starting point is to determine an application based on the proposal as submitted. While the Council's Officer Report (OR) is largely concerned with highway and pedestrian impacts associated with a commercial use, it nevertheless clearly acknowledges that the proposal is for use by a family member.
7. Little information was submitted with the planning application regarding traffic movements, with details about that provided at appeal stage. Given this and the large size of the proposed building, which could accommodate nine stables, the Council's concerns regarding traffic movements arising from activities associated with the scheme were appropriately substantiated, even if this was reasoned through the lens of a commercial use. While I reached the view that there would not be unacceptable pedestrian or highway safety impacts, this was informed by the further information provided with the appeal, which does indicate that an increase in movements would be likely with the personal use of the stables. In the absence of such information, the Council's approach was not unreasonable.
8. Furthermore, the Council must adopt precautionary principles in respect of potential impacts on the integrity of the Epping Forest Special Area of Conservation (EFSAC) due to the requirements of the Conservation of Habitats and Species Regulations 2017. Moreover, Policy DM2 of the Epping Forest District Local Plan specifically refers to air pollution as a factor that may affect the integrity of the EFSAC. In that context, it was reasonable for the Council to refuse the application in the absence of information and an assessment of vehicle movements, which may lead to air pollution impacts, irrespective of whether those movements would be associated with a personal or commercial use.
9. The applicants have referenced a restrictive condition imposed on planning permission ref. EPF/0972/22 and contended that a similarly worded condition could have been imposed for this scheme. As set out in my decision letter, the decision notice suggests that the referenced permission was for a manege only and did not include a new building. In contrast, the Council's concerns for this scheme partly relate to the size of the proposed stable building. I am therefore not convinced that the permission is directly comparable. Further, based on the evidence presented with the application, I am not satisfied that a condition to restrict a commercial use was an obvious approach for the Council to take. In any case, the Council would not have had sufficient certainty that such a condition would avoid any adverse impacts on the EFSAC given the need to apply precautionary principles. As such, the Council did not act unreasonably in not approving the scheme subject to conditions.
10. In respect of the applicants' concerns regarding the potential lack of a site visit, even if one was not undertaken, the Council's OR includes clear reasoning as to GB matters. Indeed, its findings are broadly consistent with mine in that respect. Accordingly, unreasonable behaviour is also not evident in respect of this matter.

Conclusion

11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F. Bradley

INSPECTOR