



Costs Decision

Site visit made on 20 May 2026

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Costs application in relation to Appeal Ref: APP/J1535/D/25/3376650

32 Brook Road, Loughton, Essex, IG10 1BP

- 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 Dr Nadarajah Aravindhan for a full award of costs against Epping Forest District Council.
 - The appeal was against the refusal of planning permission for raising height of current brick wall and inclusion of railings.
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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. Dr Aravindhan considers that the Council's behaviour was unreasonable in regard to cited procedural failures; an inconsistency between the Council validating the application, yet later refusing it on the grounds of insufficient information; that their reason for refusal was vague or unfounded; that unprofessional means of communication were used between the parties; that there was apparent bias against the appellant and/or his proposal prior to determination of the application; and there were factual errors in reporting the merits of the case.
4. I note the dissatisfaction of Dr Aravindhan regarding the conduct of the Council when considering his application. That, however, is a matter between him and the Council unless it leads to unreasonableness relating to the appeal before me.
5. It is clear to me that, whilst satisfying the minimum requirement to be valid, the Council considered that the information provided with the application, was not sufficiently clear and precise to determine the application. The Council's concerns centred on a lack of clarification regarding the location of the wall affected by the development. It will be seen from my Decision that I did not agree with this stance, nonetheless the Council has explained its position.
6. There was correspondence, varying in level of formality, in which both the parties participated, and during the application stage additional information was provided by the applicant, clarifying what was proposed. This did not satisfy the Council, and they subsequently refused planning permission. The decision of the Council was supported by the provision of an officer's report.

7. Whilst the Appellant did not agree with that decision, and has subsequently appealed, the Council have provided evidence in support of their position appropriate to the procedure under which I have determined it. Dr Aravindhan has therefore not incurred unnecessary or wasted expense in submitting the appeal.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

I A Dyer

INSPECTOR