



Costs Decision

Hearing held on 4 June and 27 July 2026

Site visits made on 4 June and 27 July 2026

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2026

Costs Application A in relation to Appeal Ref: APP/H1515/W/25/3375508

Five Acre Farm, Warley Street, Great Warley, Essex CM13 3JZ

- 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 Patrick Moran for a full award of costs against Brentwood Borough Council.
 - The appeal was against the refusal of planning permission for 'material change of use of land to a mixed use of agricultural land and a Gypsy/ Traveller site, comprising 4 pitches'.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Procedural Matters

2. This decision relates only to the matter of the costs application made by Mr Patrick Moran against Brentwood Borough Council.
3. A costs application has also been made by Brentwood Borough Council against Mr Patrick Moran (Costs Application B) and is the subject of a separate decision.

Reasons

4. 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 applicant asserts that the Council's behaviour was unreasonable and caused unnecessary expense in several ways which I shall address in turn.
5. Several of the matters contained in the Council's reasons for refusal were not defended during the appeal and formed matters not in dispute on the agreed Statement of Common Ground. This included the effects on the Great Warley Conservation Area and on the Green Belt (encompassing matters of whether the site was 'grey belt' by definition and whether it was sustainably located), and whether the site would provide suitable living conditions for its intended occupants.
6. The planning application was determined well after the alterations to the Framework in December 2024 and after the publication of the updated PPG Green Belt advice in February 2025, which included how to assess grey belt land as referenced in the Council's Committee Report. Given the timescales involved it is not apparent that the timing of those publications necessitated a reassessment in this respect or justified the change in stance during the appeal.

7. The Council failed to show that it had a reasonable basis for its stance on those issues and they were not substantiated by evidence during the appeal or supported by objective analysis. I find the Council's behaviour in respect of those issues was unreasonable. While this narrowed the areas for discussion in the hearing, this nonetheless directly caused the appellant to incur the unnecessary and wasted expense of producing evidence to respond to these untenable reasons for refusal through the appeal process.
8. Matters of land ownership and powers to 'decline to determine' were raised during the course of the appeal and, given these were raised early in the process, they were capable of being addressed in advance of the hearing. While raised again in the Statement of Common Ground, they were addressed promptly in the hearing, not causing wasted expense.
9. The matter of weight to be afforded to different considerations was a matter for the decision maker, for example in terms of Intentional Unauthorised Development and the Council were entitled to reach a different view on this matter to the earlier Inspector given the extra passage of time. Given the differences between the appeal schemes and the change to national planning policy which has since occurred, neither were the Council bound to accept that the effects of this scheme were necessarily less than the earlier appeal scheme. Neither do I consider that this was a development which should clearly have been permitted, given the remaining issues involved. In these respects I do not find the Council behaved unreasonably.
10. For the reasons given, the Council displayed unreasonable behaviour through its withdrawal of several issues referred to in the reasons for refusal and which caused the applicant to incur unnecessary or wasted expense in the appeal process. A partial award of costs is therefore warranted in respect of the issues of designated heritage assets, green belt, and the living conditions of intended occupiers of the site.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Brentwood Borough Council shall pay to Mr Patrick Moran, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing matters of heritage; green belt and the living conditions of intended occupiers; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Brentwood Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Shearing

INSPECTOR