
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 B 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 Brentwood Borough Council for a partial award of costs against Mr Patrick Moran.
 - 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 Brentwood Borough Council against Mr Patrick Moran.
3. A costs application has also been made by Mr Patrick Moran against Brentwood Borough Council (Costs Application A) 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.
5. The Council consider the appellant behaved unreasonably through the failure to send documents to the Council which were sent to the Planning Inspectorate in support of their appeal on 26 January 2026. As a consequence, the Council had not seen those documents, nor been able to invite interested parties to view and comment on them, ahead of the hearing on 4 June. It became apparent only on the morning of the hearing that the Council and interested parties had not seen the documents on which the appellant was intending to rely, and this necessitated an adjournment of the hearing until such a time that interested parties had the opportunity to inspect the documents and make submissions as necessary. Accordingly, the hearing recommenced on 27 July after that had taken place.
6. The Appeals Procedural Guide is clear that the appellant must send their statement of case and all supporting documents to both the Planning Inspectorate and the

Local Planning Authority¹. The email from the Planning Inspectorate to the appellant acknowledging the documents stated that all documents should be forwarded onto the Council. The expectation for this to be done was communicated with the appellant and was not carried out. I find this constitutes unreasonable behaviour.

7. Even if the Council had highlighted that it had not seen the documents immediately following receipt of the Pre-Hearing Note two weeks before the 4 June hearing, the hearing would nonetheless still have needed to be delayed in order to allow the interested parties an appropriate period of time to comment. Some procedural matters were capable of being addressed and a site visit was undertaken on the 4 June, however the need for the hearing to reconvene on a second day remained. It is unlikely that the hearing would have otherwise run into a second day, given it was scheduled for a single day.
8. Overall, the appellant's actions in failing to provide the Council with copies of the documents on which they would rely necessitated the adjournment and the second day of the hearing that would not otherwise have arisen. On this basis, unreasonable behaviour occurred which caused the Council to incur unnecessary expense in the second day of the hearing.

Costs Order

9. 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 Mr Patrick Moran shall pay to Brentwood Borough Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in the second day of the hearing; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Mr Patrick Moran, to whose agents 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

¹ Procedural Guide: Planning appeals- England. For appeals relating to applications dated on or before 31 March 2026 – paragraph 10.4.3