



Costs Decision

Site visit made on 4 July 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Costs application in relation to Appeal Ref: APP/P1560/D/24/3343470 70, Ladysmith Avenue, Brightlingsea, Essex, CO7 0JD.

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Dr J Nicholson for a full award of costs against Tendring District Council.
 - The appeal was against the refusal of planning permission for demolition of existing garage and erection of combined garage and residential annex at ground floor, offices and WC at first floor and new access door and wall to main house.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 application for costs refers to the handling by the Council of a previous planning application for comparable development in 2023 and to favourable pre-application advice for the current proposal. However, a costs application can only be considered in relation to the formal planning application and the processing of the present appeal, referenced above.
4. In dealing with the planning application which led to this appeal, the Council provided three reasons for refusal on grounds of design, amenity and car parking. The delegated officer report set out the evidential basis for each reason, all of which entailed matters of subjective planning judgement, to which the Council is entitled.
5. No matter that the Appellant, his agent and ultimately the Inspector, in allowing the appeal, disagreed and reached a different judgement on each reason for refusal, this does not mean that the Council behaved unreasonably in respect of the appeal process.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and that therefore this application for costs should be refused.

B J Sims

INSPECTOR