
Costs Decision

Inquiry held on 21 to 24 March 2017

Site visit made on 23 March 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2017

Costs application in relation to Appeal Ref: APP/C1570/W/16/3156864 Land South of Braintree Road, Felsted

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Catesby Estates Limited for a partial award of costs against Uttlesford District Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission described as '*up to 55 dwellings, means of access and associated works, with all other matters (relating to appearance, landscaping, layout and scale) reserved*'.
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Decision

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

The submissions for Catesby Estates Limited

2. The submission was made in writing at the Inquiry¹ with an oral rebuttal. Put simply, the applicant is seeking partial costs on the matter of housing land supply only. They consider that the Council should have conceded at the Inquiry, if not before, that it is unable to demonstrate a five year supply of deliverable housing sites.

The response by Uttlesford District Council

3. The Council responded to the application for costs in writing at the Inquiry². The Council considers that it defended the various reasons for refusal at the Inquiry and that in doing so it has not acted unreasonably.

Reasons

4. The application for costs was made and responded to on the basis of the national *Planning Practice Guidance* (the Guidance). The Guidance, advises that costs may only be awarded against a party who has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
5. In this case, the Council had a defensible position in respect of housing land supply evidence which showed that the Council considered that it could demonstrate a five year supply of deliverable housing sites. Although other evidence was accepted over this in the final appeal decision, it was not

¹ See APP24 of the Section 78 Decision Letter

² See LPA13 of the Section 78 Decision Letter

unreasonable for the Council to have used and relied upon this evidence to defend their case.

6. Having carefully considered the matters above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated, and therefore the application for an award of costs is refused.

Cullum J A Parker

INSPECTOR