The Planning Inspectorate

Costs Decision

Site visit made on 8 November 2016

by Christa Masters MA (hons) MRTPI

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

Decision date: 14th November 2016

Costs application in relation to Appeal Ref: APP/J1915/D/16/3159935
Lower Hacketts, 42 Brickendon Lane, Brickendon, Hertfordshire SG13 8NU

- 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 James Barry for a full award of costs against East Hertfordshire District Council.
- The appeal was against the refusal of an application for planning permission for the demolition of shed and car port adjacent to existing dwelling, and existing rear and side lean-to extensions. The construction of a new two storey hipped roof extension.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. The appellant's costs application relies substantially on the fact that the Council reported an incorrect figure within the Officers report for the percentage increased in built development on the site. This error was acknowledged by the Council after the application was determined.

4. Notwithstanding this, the Council maintained their objection to the proposal in terms of both the effect of the proposal on the Green Belt as well as the character and appearance of the Brickendon Conservation Area. In doing so, the Council gave a full explanation for this approach and policies to support their decision. I have reached a different view on these main issues. Taking these matters into account, it is my view that this fact alone has not caused the appellant to incur unnecessary or wasted expense in the appeal process. As a result, it does not demonstrate that the Council have behaved unreasonably.

5. In conclusion, I do not consider the Council has behaved unreasonably and I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated.

Christa Masters

INSPECTOR