

## Costs Decision

Site visit made on 11 October 2016

**by B J Sims BSc(Hons) CEng MICE MRTPI**

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

**Decision date: 22 November 2016**

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**Costs application in relation to Appeal Ref: APP/P1940/W/16/3153882  
Denham Park Farm Quarry, Denham Way, Maple Cross  
Hertfordshire UB9 5DG**

- 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 Harleyford Valley Limited for a full award of costs against Three Rivers District Council.
  - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with Condition 16 subject to which a previous planning permission Ref 12/2283/FUL, dated 13 December 2012, was granted.
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### Decision

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

### Reasons

2. The disputed condition placed a daily limit on the number of heavy goods vehicles (HGVs) permitted to use the private access road to Denham Park Farm Quarry and the application and appeal sought permission to increase its level of use in connection with future mineral development.
  3. The national Planning Practice Guidance (PPG) makes clear that costs may be awarded if unreasonable conduct by one party results in unnecessary or wasted expense by another party to an appeal. The PPG includes advice that the Council might be liable for costs at appeal if it relies on vague, generalised assertions unsupported by objective analysis or persists in objections to a scheme which an Inspector has previously indicated to be acceptable.
  4. The application was refused against the advice of Council officers but that is no basis for an award of costs where the Council puts forward substantive evidence in support of its case.
  5. In this case the access road itself was permitted in a previous appeal wherein the Inspector judged that, as mineral-related development, it was not inappropriate development in the Green Belt and that the need for the access road outweighed identified harm to the landscape and amenity. Importantly, this was subject to the condition, now in dispute, that daily HGV movements were limited to a specific number. That appeal decision was consistent in its approach to Green Belt issues with others made earlier.
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6. In the present case, the Council was faced with a proposed increase in the use of the access road of over 60 per cent. This fell to be assessed in altered planning circumstances, related to matters such as potential mineral sterilisation. The Council was entitled to make fresh judgements on the degree to which the increased level of usage would affect the openness of the Green Belt as well as the character of the landscape and local amenity.
7. These judgements, the resulting reasons for refusal and subsequent case for the Council in the appeal, whilst necessarily subjective, were made on a clear assessment of known likely impacts detailed in the evidence of both parties. Therefore the Council cannot properly be said to have relied on vague assertion or undue persistence in objections overturned at previous appeals.
8. No unreasonable conduct has been demonstrated on the part of the Council and no award of costs is justified in this case.

*B J Sims*

Inspector