
Costs Decision

Site visit made on 31 October 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 01 December 2016

Costs application in relation to Appeal Ref: APP/A1910/W/16/3156127 Land to the rear of 27-33 Grove Road, Tring, Hertfordshire HP23 5HA

- 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 Braybeech Homes Limited for a full award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for the construction of six dwellings comprising four detached and two conjoined.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
 3. The costs application was based on two main grounds: (i) that the decision of the Council to refuse permission for the proposal was vague and non-specific, with no detail of the nature of the alleged harm, and (ii) that the Council prevented development which should clearly have been permitted having regard to the development plan, national policy and any material considerations.
 4. The Council's reason for refusal details their view that the proposal would constitute overdevelopment of the site, causing harm to the character of the area through, in their view, a contrived and cramped form of development. Whilst I have disagreed with the Council in my decision, I do not consider that they have behaved unreasonably in this matter. The reason for refusal concerns a matter that is necessarily subjective but the Council have expressed their reasons for refusal adequately. Their written statement embellishes upon the reason for refusal, and provides a clear consideration of the proposals. Although the precise criteria are not stated, the relevant policies of their development plan to which the Council consider the proposal would be contrary to are stated. These policies concern the quality of neighbourhood and site design and therefore clearly relate to the reason for refusal.
 5. For the same reasons I find no fault with the second ground. The Council state the relevant policies that they consider the proposal to be in breach of. Such matters are subjective. Whilst I have disagreed with the Council in my decision
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and consider that the proposal complies with the stated policies, I do not consider that they have behaved unreasonably in this matter.

6. The applicant raises concern over the conduct of the committee meeting at which the planning application was considered, noting that the reason for refusal was not provided at the meeting and that the Planning Officer had recommended approval. Clearly not having attended the meeting it is difficult for myself to consider such matters, but I note that a Council is fully entitled to reach a different conclusion on applications to their officers.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Jon Hockley

INSPECTOR