
Costs Decisions

Site visit made on 8 November 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 02 December 2016

Costs application in relation to Appeal Ref: APP/C1950/W/16/3157876 Nyn Manor, Vineyards Road, Northaw, Potters Bar EN6 4PQ

- 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 A Newland for a full award of costs against Welwyn Hatfield Borough Council.
 - The appeal was against the refusal to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a portal frame structure, rollers shutters, personal doors, ventilation, cladding and tile type metal roof.
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Costs application in relation to Appeal Ref: APP/C1950/W/16/3157878 Nyn Manor, Vineyards Road, Northaw, Potters Bar EN6 4PQ

- 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 A Newland for a full award of costs against Welwyn Hatfield Borough Council.
 - The appeal was against the refusal to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a portal frame structure, rollers shutters, personal doors, ventilation, cladding and tile type metal roof.
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Decisions

Application A: APP/C1950/W/16/3157876 ('Appeal A')

1. The application for a full award of costs is refused.

Application B: APP/C1950/W/16/3157878 ('Appeal B')

2. The application for a full award of costs is refused.

Reasons

3. The Planning Practice Guidance (PPG) 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.
 4. The appellant alleges that the Council has acted unreasonably in reaching its decision on both planning applications for a number of reasons including, not engaging in pre application discussions or appropriately engaging in discussions prior to the Council's determination of the planning applications.
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5. However, these allegations relate to events which mainly took place before the appeals were lodged as opposed to the merits of the decisions and are thus not matters for my consideration. I have to determine whether the appellants have incurred unnecessary or wasted expense as a result of the decisions and their subsequent involvement in the appeal process. There is no substantive evidence to indicate that the appeals were avoidable and thus, in this regard, unnecessary or wasted expense has not been demonstrated.
6. It is also alleged that the Council has failed to produce evidence to substantiate each reason for refusal and made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
7. However, in my view the reasons for refusal for both appeals are substantiated by the Officer's Report. This includes an assessment of the impact of specific elements of the proposals with regard to siting, design and appearance with reference to characteristics of the area.
8. For these reasons, I consider that the Council's decisions were not unreasonable on their planning merits and the Council has provided sufficient evidence to support its decision in the determination of both Application A and Application B and therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR