
Costs Decision

Site visit made on 6 December 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 9 January 2017

**Costs application relating to Appeal Ref: APP/W1905/X/16/3152636
Building at Oak View Farm, Crouch Lane, Goffs Oak, Hertfordshire EN7 6TL**

- The application is made by John Smith under the Town and Country Planning Act 1990, sections 195 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a full award of costs against Broxbourne Borough Council.
 - The appeal was against the refusal to grant a lawful development certificate for "change of use from storage to residential C3 (3 no. three bed dwellings)".
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Costs decision

1. The application is refused.

Reasons for the costs decision

2. The Government's Planning Policy Guidance ("the Guidance") indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, the party may be subject to an award of costs.
3. The applicant maintains that the Council's refusal of a permitted development prior approval application was unlawful, because the decision was not made in time, and that the application for the lawful development certificate should therefore have been approved. He states that the appeal would not have been necessary if the Council had recognised that they had acted incorrectly.
4. I concluded in the appeal decision that (i) the proposed change of use would not be permitted development and (ii) there was no prior approval application to which the time limit applied. The Council's refusal of the application for the certificate was therefore well-founded, since the proposed change of use would not be lawful if begun at the time of the application for the certificate.
5. The applicant has failed to show that the Council have behaved contrary to the Guidance. I have therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and that an award of costs is not justified.

D.A.Hainsworth

INSPECTOR
