
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: 18 January 2017

Costs application in relation to Appeal Ref: APP/M1900/W/16/3153814

Land at Pynesfield, Maple Cross, Rickmansworth, Hertfordshire WD3 9YB

- 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 Aggregates Limited for a full award of costs against Hertfordshire County Council.
 - The appeal was against the refusal of an application for planning permission for mineral extraction and the importation of reclamation materials (from Denham Park Farm) with restoration to agriculture and a small wetland area to be completed not later than 31 December 2018.
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Decision

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

Reasons

2. Notwithstanding that the application was recommended for approval by officers, the elected Council was entitled to disagree and refuse permission if justified on substantive evidence.
3. Although the extraction of the same mineral reserve was previously dismissed at appeal with respect to potential groundwater contamination which did not arise in the present case, that decision also dealt inconclusively with the questions of mineral sterilisation by HS2 and restoration backfilling, on which this later appeal turned.
4. Both those issues remained matters of judgement on the balance of probabilities for the officers and the Council Members, as well as for the Inspector, as expressed in the appeal decision wherein permission for the development is granted. This judgement fell to be applied in respect of the likelihood both of sterilisation by HS2 and increase in flood risk, as concluded in paragraphs 40 and 43 respectively of the appeal decision.
5. The mere fact that the appeal was allowed contrary to the opinion of the Council does not by itself mean that the Council was unreasonable in its handling of the application and, in its appeal statement, the Council provided evidence and argument to support its position.
6. It is a prerequisite of a costs award that unreasonable conduct on the part of one party has caused wasted expense by another. No unreasonable conduct is evident in this case and, accordingly, no award of costs is justified.

B J Sims

Inspector
