
Costs Decision

Site visit made on 18 January 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 30 January 2017

Costs application in relation to Appeal Ref: APP/A1910/W/16/3157873 Land 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 five detached dwellings.
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Decision

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

Reasons

2. 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 the planning application by failing to produce evidence to substantiate its reason for refusal and made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.
5. However, whilst the Council took its decision contrary to an officer recommendation it is entitled to do so. In my view, the reason for refusal is relatively self-explanatory and the Council's statement provides a clear explanation as to why the Council considered the scheme to be unacceptable with reference to site specific circumstances and relevant development plan policies.
6. Even though I have found that the proposed development would not harm the character and appearance, such matters are subjective and I find the Council gave clear substantiated reasons for reaching its own views.
7. For these reasons, I consider that the Council's decision was not unreasonable on its planning merits and the Council has provided sufficient evidence to support its decision. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming
INSPECTOR
