
Costs Decision

Site visit made on 18 January 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 17 February 2017

Costs application in relation to Appeal Ref: APP/J1915/W/16/3159881 Bucksbury Farm, Bucks Alley, Little Berkhamsted, Hertford, Herts

- 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 Greg Hitchins for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for change of use from agricultural use to C3 dwelling and associated operational development on a site close to Little Berkhamsted.
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Decision

1. The application for 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.
3. The applicant's case is that the Council has behaved unreasonably in refusing the application. In particular that the case is generalised and unsupported by any objective analysis. The Council has within the officer report carefully considered the proposal against Class Q. The report makes specific reference to documents submitted with the application and draws a conclusion based on the submission. I am satisfied the Council has supported its position on this point.
4. The second issue relates to the Council's interpretation of the conditions of Class Q. In particular the matter of the location or siting of the building. The applicant relies upon the guidance of the PPG on this matter. In this case I agree with the applicant on this matter and would attach significant weight to the PPG. Nonetheless, in this case, the appeal turns on the application of meet the requirements of Part 3 Schedule 2 Class Q.1 (a) (ii). As such the appeal would have been dismissed in any event.
5. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

D J Board

INSPECTOR