
Costs Decision

Site visit made on 29 March 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 21 April 2017

Costs application in relation to Appeal Ref: APP/P1940/W/16/3164835 Hollymead, Bucks Hill, Sarratt WD4 9AT

- 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 Ben Sterling for a full award of costs against Three Rivers District Council.
 - The appeal was against the refusal of planning permission for proposed development described as "demolish existing bungalow and replace with 2 x 4-bed detached dormer bungalows".
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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.
 3. The application for costs has been made before the final comments stage of the appeal process. This is within time for the purposes of the costs procedures.
 4. The applicant considers that the Council has ignored aspects of the advice within the National Planning Policy Framework (the Framework). I found the Council's reasoning relating to the exceptions to new buildings not being inappropriate development within the Green Belt as set out in paragraph 89 of the Framework, a little confusing. It is not clear in paragraph 7.20 of the delegated report whether the Council is of the view that the site could be considered as "previously developed land". However, the Council's reasoning goes on to deal with the important factor of whether the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it. Overall I understood the Council's position from the decision notice, the delegated report and the additional statement.
 5. There was disagreement between the parties regarding the way in which openness should be considered. The appellant drew attention to various points of relevance within e-mail correspondence sent to the Council during the processing of the application. The Council is entitled to disagree with the appellant. Not all correspondence required a response in my view and as far as the appeal procedures are concerned, the Council was not duty bound to
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respond to all representations from the appellant, although doing so may have been helpful.

6. There is no prescribed way in any of the policies drawn to my attention, in which to consider the impact of development upon openness. The manner in which the Council considered the matter was not irrational although other measurements, particularly volume calculations are also useful. Furthermore, whether one considers floorspace and height or alternatively volume as suggested by the applicant, there is no dispute that the proposed dwellings would be bigger than the existing dwelling. This would be to an extent that, as I state in the appeal decision, would have a greater impact on the openness of the Green Belt than the existing dwelling. I agreed in my appeal decision with the Council and dismissed the appeal.
7. Even though there were some minor deficiencies in the way the Council set out its case, these did not lead to an unreasonable refusal of the planning application or therefore any wasted expense on the part of the appellant. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not justified and the application fails.

Andy Harwood

INSPECTOR