
Costs Decision

Site visit made on 19 April 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 12 May 2017

Costs application in relation to Appeal Ref: APP/X0415/W/17/3167207 Hillhouse, 33 Hillfield Square, Chalfont St Peter SL9 0DY

- 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 Mrs S Blackman for a full award of costs against Chiltern District Council.
 - The appeal was against the refusal of planning permission for single storey rear and front extension, roof extension to facilitate loft conversion with dormers. Conversion of detached house into a pair of semi-detached dwellings.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 4. I do not consider the Council's reasons for refusal are disingenuous as they all relate to planning matters and to the policies identified. The concerns of neighbours relating to the character of the area, the vehicular access and the effect on their living conditions are matters that Members are entitled to take into account, and reach a view different to that of their officers. I do not agree there was overwhelming evidence to suggest their view was unreasonable. In particular, the provision of two semi-detached properties in an area dominated by detached properties relates directly to the character and appearance of the area and, as I have concluded in my decision on the appeal, in this regard the proposal would result in a harmful impact.
 5. I consider the Council's final reason for refusal relating to bin stores could have been addressed by a planning condition. The bin storage area for the south-western dwelling is shown on the plans and there is a side access to the rear of the other proposed dwelling which would allow bin storage here and which
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would replicate the current circumstances on site. However I do not consider this matter has singularly lead to any unnecessary expense in the appeal process on behalf of the appellant.

6. Lastly, although it may be better practice to clarify which paragraphs in the National Planning Policy Framework (the 'Framework') the proposal contravenes in the reasons for refusal, I do not consider the approach the Council have taken is unreasonable. Indeed the appellant's statement succinctly identifies which paragraphs of the Framework are considered to be relevant and addresses them in turn.
7. For these reasons I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR