



Costs Decision

Site visit made on 8 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 21st August 2017

Costs application in relation to Appeal Ref: APP/M1900/W/17/3173631 Dog Kennel Farm, Charlton Road, Hitchin, Hertfordshire SG5 2AB

- 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 Hertfordshire County Council for a full award of costs against the appellant.
 - The appeal was against the refusal of planning permission for '1 no. proposed security shelf to enclose units on site, to stop unauthorised access to site and allow and encourage more businesses to occupy the site. Thus increasing employment in the Green Belt without decreasing the area of grazing land and without losing the visual effect of countryside'.
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Decision

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

Reasons

2. Advice over the award of planning appeal costs is set out in the Government's Planning Practice Guidance (PPG). It states the established premise that parties to an appeal normally meet their own costs. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal. The Council's application for costs against the appellant is based, firstly, on the lack of planning policy merit to the proposal and, secondly, that the outstanding assessments identified in the report to Committee had not been provided.
4. The Council has not based its briefly worded application on any of the examples set out in the PPG of the kinds of behaviours that may give rise to a procedural or substantive award against an appellant. However, I am not persuaded the appellant was entirely resistant to providing the information sought but that submitted was somewhat insubstantial and lacking in detail. I am not persuaded that the applicant has behaved unreasonably in a procedural sense based on the examples set out in the PPG.
5. Although I have found the proposal to be contrary to the development plan the appellant had provided details of material considerations, including the matters of enhanced security, soundproofing and lack of visual impact from the road, which sought to indicate the decision should have made otherwise. Although I

have found these to be of insufficient weight to overcome the conflict with national and local planning policy I am not persuaded that the appellant has behaved unreasonably in a substantive sense based on the examples set out in the PPG.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently I conclude that the application for an award of costs should be refused.

Jonathan Price

INSPECTOR