The Planning Inspectorate

Costs Decision

Site visit made on 30 January 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2019

Costs application in relation to Appeal Ref: APP/N1730/W/18/3214505
Clifton Barns, Croft Lane, Crondall, Farnham, GU10 5QF

- 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 Penn Croft Farms Ltd for a full award of costs against Hart District Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of two detached two-storey three-bedroom dwellings with integral double garages following the demolition of two agricultural barns.

Decision

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

Reasons

2. The Planning Practice Guidance 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 suggests that in refusing planning permission, the Council have prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and other material considerations. It is also suggested that they failed to provide requested information in relation to SANG mitigation in a timely manner.

4. The appeal stems from the Council failing to determine the application. Despite this, the Council's concern in relation to the suitability of the site for residential development outside a defined settlement boundary is supported with a detailed officer report and statement of case. I therefore consider that the Council's concerns are suitably articulated. Moreover, for the reasons identified in the appeal decision, I too have concerns in relation to the suitability of the site for residential development, having regard to its accordance with the development plan, national policy and any other material considerations.

5. In relation to SANG mitigation, the Council are clear that allocation is a corporate policy and is therefore beyond the scope of the Local Planning Authority. Despite this, the Council have articulated their concerns in relation to the effect of the proposal on the Thames Basin Heaths Special Protection Area and I have concluded in the same manner.

6. In the application for an award of costs, reference is also made to the Council making vague assertions about the impact of the proposal on other buildings at

Bullocks Farm which have not been supported by objective analysis. In their rebuttal, the Council suggest that this relates to a different proposal that is the subject of a separate appeal, a matter that the applicant has not responded to. Given that there is no other mention of Bullocks Farm in the evidence before me, I am satisfied that there is no need to consider this matter further.

7. For the reasons identified above, I consider that the Council have not prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and any other material considerations. The Council have produced suitable evidence to substantiate the reasons for refusal and have not relied upon vague, generalised or inaccurate assertions about the impact of the proposal.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin Chandler

INSPECTOR