



Costs Decision

Site visit made on 3 July 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Costs application in relation to Appeal Ref: APP/W1850/W/19/3226559 21 The Maltings, Dormington, Hereford HR1 4FA

- 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 Edwin Wilson for a full award of costs against the County of Herefordshire District Council.
 - The appeal was against the refusal of planning permission for residential use in converted former car port building conditioned as proposed and to retain the works specified to be removed by enforcement notice EN/2017/002562/ZZ such that the notice becomes superseded.
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Decision

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

Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance (PPG) in reaching my decision.

Reasons

3. The 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 or wasted expense in the appeal process.
4. The applicant claims that the Council acted unreasonably by disregarding factual evidence and the recommendations of its officers and allowing itself to rely on unsubstantiated and false and illogical claims from objectors. It is also claimed that the officer's report was not sufficiently clear and incisive and failed to warn Members that if it were refused that this could not credibly be defended on appeal.
5. The Council is not obliged to follow its officer's recommendation provided that there is a justified planning reason for doing otherwise. In this case the reason for refusal refers to the likelihood of the proposed parking arrangement leading to manoeuvring across the shared driveway at a frequency that is considered would be out of keeping and detrimental to the amenities of existing occupiers. That reason has not been clearly explained and justified within the Council's appeal statement. However, it is evident from its submissions and the minutes of the Planning Committee meeting at which the decision was taken, together

with representations from neighbours and the Parish Council, that the main issues were as recorded in my decision.

6. I also acknowledge that the Council's Transportation Manager raised no objections. However, I am satisfied that the Council reasonably took account of the objections from neighbours and the Parish Council and, notwithstanding my conclusions in the appeal decision, had sufficient basis upon which to make its decision. I also consider that the officer's report was sufficiently comprehensive in addressing the issues at hand so as to adequately inform Members.
7. I therefore find that the Council behaved reasonably in determining the application and in defending its decision at appeal and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred and wasted. For this reason, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR