
Costs Decision

Site visit made on 16 July 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Costs application in relation to Appeal Ref: APP/A1910/W/19/3228930 Greymantle, Hempstead Road, Bovingdon, HP3 0HF

- 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 (Kedgling Development) for a full award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing garage and rear/side extensions addition of new rear/side extension and conversion from one dwelling to two.
-

Decision

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

Reasons

2. The Planning Practice Guidance (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 expense in the appeal process.
3. The applicant contends that the Council made their decision to refuse planning permission based on a previous appeal decision, without considering the alterations to the proposal which were made as part of the planning application. They also claim that the Council misrepresented the facts to justify the grounds of refusal and did not understand the application. Therefore, it is put to me that these actions resulted in unnecessary and wasted expense.
4. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal, and if they delay a development that should have been granted permission. In this regard, the Council's officer report articulated the concerns relating to the impact of the proposed development on the living conditions of the occupants of the neighbouring property. These concerns were summarised in the reason for refusal on the decision notice.
5. Whilst the appeal site has several historic planning applications and appeal decisions, the Council assessed the proposal based on the submitted plans, whilst having regard to a recent appeal decision, which was a relevant material consideration. I find that the concerns raised by the Council were communicated in a clear and understandable way and for the reasons identified in the appeal decision, I share the concerns of the Council in this respect.

6. Furthermore, the Council acknowledged the 'fall-back' position relating to the potential to use the appeal building as a House in Multiple Occupation (HMO). Like the Council, and as reasoned in my appeal decision, I found that the weight afforded to the fall-back position was insufficient to outweigh the harm the development would cause to the living conditions of the neighbouring occupants. I therefore, do not find that the Council behaved unreasonably in coming to the conclusion that they did.
7. Although the actions of the Council during the application process can be a factor, any award of costs is primarily in relation to unnecessary or wasted expense from the behaviour of the parties during the appeal process. There is nothing before me in the evidence to suggest that the Council did not co-operate or otherwise acted unreasonably during the appeal process.

Conclusion

8. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case and that an award of costs is not justified.

Matthew Woodward

INSPECTOR