
Costs Decision

Site visit made on 6 June 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Costs application in relation to Appeal Ref: APP/X0148/Z/19/3224699 Land adjacent to Jewsons, Chesham Road, Hyde End HP16 0RD

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Stuart Wilbraham for a full award of costs against Chiltern District Council.
 - The appeal was against the refusal of express consent for two non-illuminated freestanding advertisement signs.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) 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. Examples of unreasonable behaviour of the local planning authority include not determining similar cases in a consistent manner and where the Council has prevented development which should have been permitted.
3. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal.
4. The main thrust of the Applicant's case is that the members of the planning committee incorrectly assessed the impact of the proposal. The Applicant considers that the council made vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by an objective analysis and that this has led them to incur unnecessary delay and expense in having to appeal the refusal when planning permission should have been granted.
5. The Council submitted very limited information in support of the Committee's decision. However, in the reason for refusal, a short but clear analysis is presented. It is evident that the Council has had regard to the character of the surrounding area and the specific characteristics of the advertisements themselves.

6. In reaching my decision, it was clear that the merits of the proposal rested on a subjective opinion as to whether or not the proposed development, on balance, would harm the amenity of the area.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and therefore an award of costs is not justified.

Mark Brooker

INSPECTOR