
Costs Decision

Site visit made on 24 July 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Costs application in relation to Appeal Ref: APP/A1910/W/20/3247367 Greymantle, Hempstead Road, Bovington 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 of Kedgling Development for a full award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for demolition of garage and construction of two detached two-bed dwellings.
-

Decision

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

Reasons

2. The Planning Practice Guidance (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.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the adopted policies that the proposal would be in conflict with, in the view of the Council.
5. While I note the applicant's concerns that the previous appeal decisions were not sufficiently considered by the Council, the planning officer's report sets out the differences between the previous schemes and the proposed development. Accordingly, I do not consider that the Council failed to reasonably evaluate the application. I consider the Council had reasonable concerns about the impact of the proposed development which justified its decision.
6. I also acknowledge the evidence regarding the pre-application service provided by the Council. While the National Planning Policy Framework (Framework) places an emphasis on the benefits of early engagement, the evidence indicates that a different proposal was discussed at pre-application stage than that subject of this appeal, and given the evidence before me, I do not consider that the Council failed to reasonably engage with the applicant.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

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

R Sabu

INSPECTOR