
Costs Decision

Site visit made on 23 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Costs application in relation to Appeal Ref: APP/W1850/W/19/3242888 Appletree House, 11 Willow Rise, Sutton St Nicholas HR1 3DH

- 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 G Harrison for a full award of costs against Herefordshire Council.
 - The appeal was against the refusal of a grant subject to conditions of planning permission for a 3 bedroom house .
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Decision

1. The application for the 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 sets out the examples of unreasonable behaviour by local planning authorities which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. I note that a previous application¹ for a new dwelling on the appeal site was refused in July 2019. Whilst I acknowledge that the Council's report does not set out why the revised scheme does not overcome the previous reasons for refusal every application must be considered on its own merits.
5. Whilst there is no residential design guide the consideration of plot size and amenity space is a matter of planning judgement. The Council has produced a cogent report which includes an assessment of the appeal scheme in respect of character and appearance, living conditions, the historic environment and the impact on the River Wye Special Area of Conservation. In addition, there is no substantive evidence, before me, to indicate that the Council has failed to consider the evidence submitted by the appellant or misrepresented advice from consultees.
6. As seen from my decision I have found that the Council had reasonable concerns about the impact of the proposed development and has justified its

¹ Planning application reference 191912

decision rather than making vague, generalised or inaccurate assertions. Furthermore, the decision notice clearly details the reasons for refusal. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Herefordshire Local Plan Core Strategy that the proposal would be in conflict with. The Council has substantiated its position at appeal rather than making vague, generalised or inaccurate assertions.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR