



Costs Decision

Site visit made on 12 October 2020

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Costs application in relation to Appeal Ref: APP/P1940/D/20/3255608 10 Solesbridge Lane, Chorleywood WD3 5SN

- 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 Peel for a full award of costs against Three Rivers District Council.
 - The appeal was against the refusal of planning permission for the development described as to reinstate pedestrian access to No.10 from Solesbridge Lane. To provide driveway to park vehicle off street and to allow access for bin collection on a weekly basis.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, the Planning Practice Guidance (the PPG) advises costs may be awarded against a party who has behaved unreasonably and directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Paragraphs 16-047-20140306 and 16-049-20140306 of the PPG identify examples of unreasonable behaviour. These include delays in providing information, failure to attend a site visit, preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The costs application sets out three main grounds upon which the applicant considers the Council acted unreasonably. These relate to receiving the Conservation Officer's comments over two weeks after the minimum consultation period, the Conservation Officer not undertaking a site visit, and the Council and Conservation Officer failing to correctly take into account existing driveways and advice in the Chorleywood Common Conservation Area Appraisal (2010) (the CCCAA).
4. The consultation response being provided over two weeks past the consultation period, without any extenuating circumstances being made clear, may be unreasonable. However, this did not put the applicant to unnecessary expense because they were still able to provide an amended scheme, which ultimately did not prevent permission being refused. The evidence before me does not

demonstrate an acceptable solution within the scope of the appeal scheme is likely to have been found. There may have been some costs in preparing amended drawings and corresponding with the Council. However, these did not occur during the appeal process.

5. The Conservation Officer did not make a site visit, but instead made an assessment using other evidence, which it is suggested by the Council is an approach taken to some cases. The Council's Planning Officer did undertake a site visit, and whilst not bound by the opinion of the Conservation Officer, came to the same view. The reasoning of the Conservation Officer and the Council does not suggest the application was not properly assessed. I note the recommendation to 'Approve' at the top of the delegated report, but the Council has confirmed this was an error, and the reasoning in the report and decision notice are clear. This does not demonstrate unreasonable behaviour as it did not result in significant ambiguity.
6. There are a number of off-road parking spaces on Solesbridge Lane, but some are likely to have been installed prior to an Article 4 Direction coming into force in 2010, which removed permitted development rights for such development. The evidence before me does not demonstrate that any post-date the Direction. The Conservation Officer's response and the Planning Officer's analysis demonstrates an awareness of the character and pattern of development on Solesbridge Lane and consideration of relevant development audit criteria in the Chorleywood Common Conservation Area Appraisal (2010). This is specifically referenced in 7.1.6 – 7.1.8 of the delegated report.
7. Both the Council and the applicant have stated that there would be less than substantial harm to the heritage asset. The Council has applied the heritage balance set out in paragraph 196 of the National Planning Policy Framework. As set out in my decision letter I generally share these views that taking into account the evidence before me and the effects of the development there is less than substantial harm to the heritage asset, and that the benefits of the development do not outweigh the harm. As set out in paragraph 193 of the Framework the harm attracts great weight. The Council has made a reasoned and rational planning judgement. Therefore, the Council has not behaved unreasonably in this regard.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Dan Szymanski

INSPECTOR