Costs Decision

Site visit made on 26 January 2021

by Stephen Wilkinson BA BPl DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Costs application in relation to Appeal Ref: APP/C1950/W/20/3260000
45 Dixons Hill Close, Welham Green, Hatfield, AL9 7EF

- 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. Tyrone Agius for a full award of costs against Welwyn Hatfield Borough Council.
- The appeal was against the refusal of planning permission for the conversion of existing stables into a residential dwelling.

Decision

1. The application is refused.

The submissions of Mr Tyrone Agius

2. The application has been made on substantive grounds. In summary these cover the following points:

   - The decision to refuse planning permission was taken without fully considering all material considerations, and
   - The officer's delegated report includes incorrect references to the outbuildings, the application of permitted development rights and the site description.

3. Furthermore, the Council have behaved unreasonably resulting in the applicant to incur unnecessary expense.

The response by Welwyn Hatfield Council

4. In summary the Council's position is:

   - Whilst there was an omission in respect of the outbuildings their removal was considered in the planning balance
   - It would be reasonable of the Council to consider the likely impacts of extensions to the dwelling, on the openness of the Green Belt
   - The site description referencing its location in the open countryside is not incorrect given its location in the Green Belt, and
   - A full consideration of the impacts of the whole scheme was included in the delegated officer report.

5. The Council have behaved entirely reasonably in respect of the application for planning permission.

Reasons

6. Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the process. I shall aim to address each strand of the applicant's case in turn.

7. The Council admits that it made an error in respect of its treatment of the outbuildings to the site. However, the officer report identifies that the removal of these buildings as part of the appeal scheme would have a positive impact. I do not regard the section on 'planning balance' as having to embrace every detail and nuance of a proposed scheme. This matter was adequately addressed in the officer report.

8. References included in the officer report to the implications of permitted development rights on a new dwelling in the Green Belt were speculative in nature. However, whilst the Council was unreasonable in this instance, I do not consider that this would have led to unnecessary or wasted expense as the Council had a number of other objections to the proposed scheme which substantiated its single reason for refusal.

9. The description of the site as located in the countryside is consistent with its location in the Green Belt irrespective of the site being previously developed land.

Conclusions

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

Stephen Wilkinson

INSPECTOR