



Costs Decision

Site visit made on 9 March 2021

Decision by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Costs application in relation to Appeal Ref: APP/N1730/D/20/3264920 9 Hares Lane, Hartley Wintney, Hook RG27 8AD

- 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 & Mrs P & T Treadwell for a full award of costs against Hart District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing garage and provision of replacement garage.
-

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance 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. The application for an award of costs is predicated on the substantive grounds that the Hartley Wintney Conservation Area has not been properly designated by the Council and so the refusal reason has no legal merit. Therefore, the applicants have been put to unnecessary costs in making this appeal due to what they consider to be the Council's unreasonable refusal of the application.
4. The matter before me is an appeal under Section 78 of the Town and Country Planning Act 1990 against the refusal of a planning application. I am not required to make a finding as to the legality of the designation of the conservation area and it is not, in any case, the forum for such concerns to be pursued. In the absence of any substantive evidence to demonstrate that the conservation area has not been properly designated, the Council were correct to consider this designation in assessing the application.
5. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Conclusion

6. For the reasons given above the application for costs is refused.

Scott Britnell

INSPECTOR