The Planning Inspectorate

Costs Decision

Site visit made on 9 March 2021

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Costs application in relation to Appeal Ref: APP/N1920/D/20/3261097
9 Heathfield Road, BUSHEY, Hertfordshire WD23 2LH

- 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 Mrs Pratima Glazer for a full award of costs against Hertsmere Borough Council.
- The appeal was against the refusal of prior approval fora single storey REAR extension to a single detached family dwelling, enlarging the dining/lounge area. How far will the extension extend beyond the rear wall of the original dwelling house - 3.25m already extended and a further 3.9m proposed rear extension

Decision

1. The application for 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by 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.

3. Firstly, I understand that there have been previous applications to the Council which were not approved, but my focus for this costs application is based on those incurred for this appeal only. I understand that efforts were made by the applicant to resolve the issue and also invited the Council to visit the property.

4. Whilst I understand the frustration all this may have caused and the expense also, as can be seen from the appeal decision this was primarily a technical matter. It is on this basis that I have dismissed the appeal as I have concluded that the extension does not satisfy the criteria for it to be permitted development. This is essentially the same conclusion as the Council and so I do not regard their behaviour as unreasonable.

5. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Steven Rennie

INSPECTOR