

Costs Decisions

Site visit made on 27 April 2021

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2021

Costs application in relation to Appeal Ref: APP/N1730/W/20/3264118 The White House, 36 High Street, Odiham, Hook RG29 1LG

- 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 and Mrs R Friend for a full award of costs against Hart District Council.
 - The appeal was against the refusal of planning permission for conversion of existing outbuilding to form a games room to the northern part and a gym with office space to the south. Replacement of existing timber doors and insertion of glazed screens. Creation of new internal openings. Re-configuration of existing w.c./store area and insertion of timber studwork.
-

Costs application in relation to Appeal Ref: APP/N1730/Y/20/3264125 The White House, 36 High Street, Odiham, Hook RG29 1LG

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs R Friend for a full award of costs against Hart District Council.
 - The appeal was against the refusal of listed building consent for conversion of existing outbuilding to form a games room to the northern part and a gym with office space to the south. Replacement of existing timber doors and insertion of glazed screens. Creation of new internal openings. Re-configuration of existing w.c./store area and insertion of timber studwork.
-

Decisions

1. The applications for full awards of costs are refused.

Reasons

2. The national Planning Practice Guidance¹ (the PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG² identifies different types of behaviours, which may give rise to a substantive award against local planning authorities.
3. The applicants consider that the Council acted unreasonably in refusing to grant planning permission and listed building consent for the proposal, particularly as a very similar scheme has recently been approved.

¹ Paragraph: 030 Reference ID: 16-030-20140306.

² Paragraph: 049 Reference ID: 16-049-20140306.

4. No rebuttal has been submitted by the Council in response to these costs applications. However, within its submissions, the Council has adequately substantiated its concerns in respect of the appeal proposal, which primarily related to the creation of an internal opening to connect the proposed games room to the gym, and did not form part of the permitted scheme. The Case Officer's report and the appeal statement seek to explain why a different view was reached in respect of the proposed development and works.
5. The less than substantial harm identified by the Council in respect of these particular works, which did not form part of the permitted scheme, was appropriately weighed against the public benefits of the proposal. Whilst I have reached a different conclusion, this assessment inevitably constitutes a matter of planning judgment for the decision-maker, based on the circumstances of each case. Having regard to the available evidence, I have no reason to believe that the Council acted unreasonably in its assessment of the appeal proposal.
6. Overall, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. On this basis, I conclude that the awards of costs are not justified.

S Edwards

INSPECTOR