



Costs Decision

Site visit made on 14 May 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2021

Costs application in relation to Appeal Ref: APP/P1940/W/20/3263733 Overbury, Woodside Walk, Northwood HA6 3ET

- 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 Dhamera for a full award of costs against Three Rivers District Council
 - The appeal was against the refusal of planning permission for the demolition of the existing dwelling and erection of two new detached dwellings (resubmission to 19/2038/FUL).
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Decision

1. The application for an award of 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 appellant submits that the Council has acted unreasonably in that it verbally agreed that, subject to changes to the original scheme, planning permission would be granted for a revised planning application for the currently proposed development. Given that this advice was verbal, I have no firm basis to conclude that it was misleading. Notwithstanding, informal advice given before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors. Therefore, the Council has not acted unreasonably in this regard.
4. The appellant states that the Council failed to work with them to reach a positive outcome, as required by Paragraph 38 of the National Planning Policy Framework. I have seen evidence of dialogue between Council and appellant during the course of the application, including the Council's request for further information to enable the proper consideration of the appeal scheme. Also, the Framework encourages applicants to seek formal pre-application advice from the Council as part of this process, which I note was not taken up in this case. Therefore, I am satisfied that the Council has not acted unreasonably in this regard.
5. The appellant's case for costs considers that the Council failed to accurately assess the development proposal, *'in relation to assessment of site and application of policies and failure to provide evidence'*. It will be seen from my decision that I agree with the Council that there were sufficient grounds for

refusing planning permission on grounds related to the harm to character and appearance. It follows that I am satisfied that the Council has shown that it was able to substantiate this reason for refusal. The Council has also clearly demonstrated on planning grounds why the proposal is unacceptable in terms of impact upon the living conditions of the neighbouring occupiers and provided clear evidence to substantiate this reasoning. While I disagreed with their conclusion, the Council has not acted unreasonably in this regard.

6. The appellant states that, given that other planning applications for similar development in the area have been approved, the Council has not acted consistently in refusing planning consent for the appeal proposal. However, each case must be considered on its own merits and I am satisfied that the Council assessed the proposed development in the context of the character and appearance of Woodland Walk and up to date local and national planning policies. Therefore, the Council has not acted unreasonably in this regard.
7. The appellant seeks costs on the basis that the Council failed to correctly undertake the tilted balance by not acknowledging, and attaching sufficient weight, to all benefits of the scheme. The Council's Officer Report is clear in setting out the importance of Paragraph 11d of the Framework, given the Council's Housing Land Supply position and this implications of this for adopted policy. The Officer Report also acknowledges the key benefits of the scheme including the contribution to housing supply, the economic benefits of the construction phase and the expenditure of future residents. These benefits are clearly balanced against the substantial harm which arise. Whilst other benefits, such as improving quality of housing and the sustainability credentials of new homes, are not specifically mentioned by the Council I do not consider that these would have altered the overall conclusion that the harm arising would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies in the Framework as a whole. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the appellant was put to unnecessary or wasted expense.
8. I note that there was a short, but not unreasonable, delay in the Council uploading a Landscape Masterplan onto its public access system and that other documents, such as an Energy Statement, were not posted. Again, I do not consider that this would have altered the overall outcome of the application. Therefore, the Council has not acted unreasonably and caused the appellants unnecessary or wasted expense in this respect.

Conclusions

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

Rebecca McAndrew

INSPECTOR