

Costs Decision

Site visit made on 13 September 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021.

Costs application in relation to Appeal Ref. APP/P1940/D/21/3279389 Land at Rajah Shanth, Troutstream Way, Loudwater WD3 4LE

- 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 R Roshan Rajaratnam for a Full award of costs against Three Rivers District Council.
 - The appeal was made against the refusal of planning permission for the erection of timber battern gates [sic].
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Decision

1. The application for an award of 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 states that awards against a local planning authority may either procedural or substantive.
3. The applicant has not identified how the Council's actions in determining the planning application caused them to incur unnecessary or wasted expense and has just simply listed a number of costs associated with the submission of the appeal.
4. In coming to my conclusion on the appeal, it was quite clear that the information submitted with the planning application was lacking in detail, particularly with regard to the absence of a fully scaled and detailed Site Plan as well as discrepancies between the submitted Proposed Elevation and the Tree Protection Plan with regard to not only their location, but also their degree of fixing to the ground and means of opening.
5. The Council's Officer report, I found to be quite detailed in supporting the reasons for refusal, and therefore were substantiated. I consider that the reasons for refusal of planning permission did not amount to unreasonable behaviour resulting in unnecessary or wasted expense to the applicant.
6. Consequently I consider that unreasonable behaviour as described in the PPG has not been demonstrated and the application for a Full Award of Costs is therefore refused.

C J Tivey INSPECTOR
