



Costs Decision

Site visit made on 20 December 2021

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Costs application in relation to Appeal Ref: APP/N1730/D/21/3282746 20 Cricket Green, Hartley Wintney, Hook, RG27 8PP

- 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 Louise Oliver for a full award of costs against Hart District Council.
 - The appeal was against the refusal of planning permission for a Proposed single storey side extension.
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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. Unreasonable behaviour can be considered as either substantive or procedural in nature.
3. The applicant considers that the Council behaved unreasonably by not substantiating the stated reason for refusal of planning permission. Specifically, that the Council have refused the application without demonstrable harm.
4. The applicant contends that the Council's considerations lacked proper judgement in relation to the assessment of the special character of the non-designated and designated heritage assets as well as the level of harm the proposal would entail. Thus, the applicant contends the development proposed should clearly have been approved.
5. Whilst I understand the appellant's perspective, and allowed the appeal, nevertheless the Council's decision notice cites relevant policies of the development plan in line with section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended. From the evidence before me the Council's assessment was based on a thorough assessment of the site, and the potential effect of the scheme in that context.
6. It is a matter of fact that the associated appeal scheme falls within a designated heritage asset and would result in a more substantial extension to 20 Cricket Green (an historic building possessing much architectural integrity) than presently exists. The Council's position in respect of the scheme is therefore a matter of planning judgement and fairly substantiated.

7. The applicant also states that the Council behaved unreasonably by requiring a level of detail, in terms of design and finish, which goes beyond that which would be considered reasonable in context of the weight to be afforded to the heritage assets in question. However, I do not support that contention for three reasons. Firstly, there is clear historic integrity to the property itself (which I reasoned in the associated appeal decision, merits appropriate protection). Secondly the appeal property has a significance in the surrounding conservation area and contributes positively to it. Thirdly, and as reasoned in the associated appeal, such conditions are proportionate and reasonable.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

RJ Redford

INSPECTOR