
Costs Decision

Site visit made on 19 January 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 FEBRUARY 2022

Costs application in relation to Appeal Ref: APP/J1915/W/21/3279322 11, 13, 15 London Road, Sawbridgeworth CM21 9EH

- 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 Geoffrey Hewson of Swayprime Ltd for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for creation of a crossover to the newly levelled parking area and 2 off-street parking spaces for the 11, 13 and 15 London Rd properties.
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Decision

1. The application for an award of costs is dismissed.

Reasons

2. An award of costs may be allowed where it is found that a party behaves unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant's case is that the Council did not determine the planning application within the statutory time limit, and therefore the appellant has incurred wasted costs in submitting the appeal.
4. It can be seen in the Council's evidence that if they had determined the application, it would have been refused. Therefore, although it is unfortunate that the application was not determined within the statutory time limit, the appeal would have been necessary in any case. Furthermore, it can be seen in my main decision that I do not find that this is development that should clearly be permitted.
5. Consequently, for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.
6. For this reason, neither a full nor partial award of costs is justified.

H Miles

INSPECTOR