



Costs Decision

Site visit made on 14 June 2022

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 July 2022.

Costs application in relation to Appeal Ref: APP/J1915/D/22/3297249 The Goose, Moor Green, Ardeley, SG2 7AT

- 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 MacKervoy for a full award of costs against East Herts Council.
 - The appeal was against the refusal planning permission for a residential annex (ancillary).
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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 procedural or substantive.
3. In this case, the appellants submit that the Council has acted unreasonably on both procedural and substantive grounds. They point to the Council failing to determine the planning application within 8 weeks without offering to extend this period. In addition, the appellants contend that the Council's decision was unreasonable, as they consider that the proposal was in accordance with the Council's planning policies.
4. The Council has stated that it does not agree with the application for costs, although no substantive reasoning for this opinion has been provided.
5. With regard to the determination period, I note that the application was registered by the Council on 30 September 2021 and the decision notice was not issued until 15 March 2022. The appellants state that during this period, the Council failed to communicate and that it did not work positively or proactively with them or with their agent.
6. I accept that the length of time taken to determine the application was an unduly long period. However, it would have been open to the appellants to appeal against non-determination. I have no information as to why such an appeal was not lodged.
7. Turning to the reason for the Council's decision. I have found the proposal to be acceptable, although, in my opinion, it was not clear cut. As with many planning decisions, the interpretation of planning policy and guidance can be

subjective and the outcome can often depend on the opinion of the decision maker. In this case, I have no evidence to conclude that the Council acted unreasonably in its interpretation of the Development Plan and its assessment of the proposal.

Conclusion

8. For the reasons given above, I therefore find that an appeal was unavoidable and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Ian McHugh

INSPECTOR