



Costs Decision

Site visit made on 18 May 2022

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Costs application in relation to Appeal Ref: APP/A1910/W/21/3275429 Lilas Wood, Wick Lane, Hastoe, Tring HP23 6LU

- 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 F Messenger for a full award of costs against Dacorum Borough Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for a material change of use of woodland and agricultural land to a wedding venue, including all chattels, structures, trackway and other materials associated with such use between May to September for 15 events per annum (part retrospective).
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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 contends that the Council did not take account of the fallback position when considering ecology matters i.e. the use of the site as a wedding venue under permitted development rights which would continue regardless of the outcome of the appeal. However, it is clearly referred to in the Council's officer report and they were aware of the position. Not agreeing with the appellant's ecologist and following their own specialist advice does not constitute a failing on the part of the Council to take the appellant's evidence into account.
4. It will be seen from my decision that I ultimately agree with the Council's position that the proposal would result in further deterioration of ancient woodland at the wedding venue. This is despite all of the documents submitted by the appellant which include tree surveys, landscape visual assessments, additional planting along the northern periphery of the site and off-site, and a protected species plan. However, none of this adequately mitigates the direct impact of wedding events on the ancient woodland itself as set out in my decision. Mr Hicks was clear in his evidence in respect of this harm. That this harm has not been adequately addressed and resolved in this application does not constitute unreasonable behaviour on the part of the Council. It is also reasonable for the Council to not apply planning conditions to unresolved matters such as these.

5. I note there was confusion around the parties corresponding in the run up to the hearing. However, the appeal process should not be used to evolve a scheme and the Council followed their procedural duty in terms of providing all necessary evidence and documentation. Beyond this, it was not unreasonable on the part of the Council to cease discourse with the appellant in the run up to the appeal.
6. For these reasons I do not consider that the Council behaved unreasonably resulting in unnecessary or wasted expense, as described in the PPG.

Hayley Butcher

INSPECTOR