
Costs Decision

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

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

Decision date: 5th September 2022

**Costs application in relation to Appeal Ref: APP/X1925/W/21/3284838
165 Weston Way, Baldock, SG7 6JG**

- 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 Chris Hunt for a full award of costs against North Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for conversion of existing 3-bedroom house into 2no. single level apartments and construction of a new 2-bedroom house adjoined to 165 Weston Road.
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Decision

1. The application of 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.
3. The applicant submits that the Council has acted unreasonably in how it behaved procedurally during the application process, including inconsistency of advice and the length of time taken to determine the application. The Council has provided some background to the situation including changes to staff, and has highlighted that any advice prior to a decision being issued was informal, and that it was entitled to reach the decision it did following a site visit to a neighbouring property to fully appreciate the effects of the proposed development.
4. Although the frustration of the applicant with regards to the behaviour of the Council is apparent, there is no evidence that this behaviour has resulted in unnecessary or wasted expense in the appeal process. The Council was reasonably entitled to carry out a site visit to the neighbouring property to appreciate the potential effects of the proposed development, as was requested, and was equally entitled to use the information gathered at this site visit to inform its ultimate decision, despite informal advice that might have been provided previously.
5. In terms of the appeal itself, the Council has co-operated in the process, and has substantiated all of the reasons for refusal. I have also found the proposed development to be unacceptable, and therefore the appeal could not otherwise have been reasonably avoided.

6. In addition, any claim of costs can only relate to costs incurred in the appeal process itself, and would not extend to covering the costs of any works that the applicant may have chosen to undertake in advance of the determination of a planning application.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Harding
INSPECTOR