



Costs Decision

Site visit made on 23 November 2022

by Peter White BA(Hons) MA DipTP MRTPI

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

Decision date: 16 December 2022

Costs application in relation to Appeal Ref: APP/J1915/W/22/3293115 Land to the Rear of Hermitage Cottage, Scholars Hill, Wareside SG12 7RQ

- 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 Bill Tillbrook for a partial award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of the existing garage to construct new single storey 2 bedroom dwelling of similar height.
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Decision

1. The application for 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.

The appellant's case

3. In summary, the appellants case is the following: That the Council failed to determine the application within 8 weeks, and did not request or offer an extension to this statutory period. That the Council's reasons for refusal are unreasonable, and the development complies with all relevant planning policy. That as a result, the appellant has therefore been put to unnecessary expense in the professional fees of their architect in preparing the appellant's full statement of case and associated documents.

Consideration of the issues:

4. The planning application was submitted on 30th June 2021 and determined by the Council on 24th December 2021. The PPG expects local planning authorities to make a decision as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. However, where it takes longer, and no extended period has been agreed, the decision should be made with 26 weeks¹. That was the case in this event.
5. The Council's Officer Report considered the previous scheme and appeal decision, and correctly went on to consider the current proposal, even if briefly. The Council is not obliged to consult its conservation officers, although I agree

¹ Paragraph: 001 Reference ID: 21b-001-20140306

it would have been preferable to have done so before making its decision, but the Conservation and Urban Design response submitted with the Council's appeal statement supported the Council's decision. I did not agree with every aspect of the Council's reason for refusal, but found in favour of its overall conclusions, and in dismissing the appeal I found that the development conflicted with the development plan.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.