
Costs Decision

Site visit made on 3 March 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Costs application in relation to Appeal Ref: APP/J1915/D/22/3295821 1 Letty Green, Hertford SG14 2NZ

- 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 Ray Green for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for demolition of the existing conservatory to the rear of the dwelling to be replaced with a single storey extension.
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Decision

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

Reasons

2. The Council in refusing permission relied on floorspace calculations to argue that the scale of existing extensions was already disproportionate, and that the proposal would be inappropriate development in the Green Belt. Whilst the applicant argues that this was an overly mathematical approach, I ultimately agreed with the Council on this point, and this conclusion is not unreasonable given the facts of the case.
3. I did not agree with the Council that there would be harm in terms of Green Belt openness, but such a conclusion is ultimately a matter of planning judgment, and I do not regard the Council's conclusions, where a spatial effect on openness was identified, as unreasonable in the circumstances.
4. Moreover, at application stage, the Council was presented with limited argument from the applicant in respect of other considerations that may have demonstrated very special circumstances. Although the evidence at appeal stage was persuasive in this respect, I do not regard the Council's conclusions as unreasonable given the level of evidence that was submitted.
5. I note concerns raised with respect to the Council's handling of the application. These are generally matters for local government accountability. There is no firm evidence of unreasonable behaviour by the Council at the appeal stage in terms of procedural matters.
6. For these reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. Therefore, an award of costs is not justified.

K Savage

INSPECTOR