



Costs Decision

Site visit made on 24 May 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Costs application in relation to Appeal Ref: APP/A1910/D/22/3308023 Honeysuckle Barn, Birch Lane, Flaunden, Hertfordshire HP3 0PT

- 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 Flaunden Construction Ltd for a full award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for the installation of conservation style rooflights in the rear roof slope.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 application for costs in this case was made by the applicant against the Council on the grounds of the substance of the appeal.
4. There are several strands to the applicant's case for an award of costs. These include: preventing or delaying development which should clearly be permitted, having regard to it being in accordance with the development plan, national policy and any other material considerations; a failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis.
5. Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Council's reason for refusal is set out in its decision notice. This reason is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal, in the view of the Council, would conflict with. This is a matter of planning judgement. I have found that this reason was adequately substantiated by the Council in its officer report.
6. Whilst I appreciate that the applicant does not agree with the outcome of the application, and I have made my own views on the planning merits of this case in a separate decision, I find nothing to suggest that the Council has acted unreasonably.

7. Overall, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Price

INSPECTOR