



Costs Decision

Site visit made on 1 August 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2023

Costs application in relation to Appeal Ref: APP/A1910/D/22/3313973

- **Lower Farm End, Luton Road, Markyate, Hertfordshire AL3 8PZ** 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 Toby Wright for a full award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for a replacement roof extension.
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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 (the 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. Local Planning Authorities are encouraged, through the PPG, to exercise their development management responsibilities by relying only on reasons which stand up to scrutiny on the planning merits of the case.
4. In this instance, the Council identified areas of national and local planning policies that are relevant to the proposed development. In addition, the Council explained how they considered that these policies were breached and the harm that would arise from these breaches. Therefore, I find that the Council properly substantiated the reasons for refusal.
5. Although the Council referenced the presence of an outbuilding in their delegated report, it is clear that this is only one of the material considerations that the Council considered relevant to the determination of the planning application. In consequence, I cannot find that the references to this building by the Council to be unreasonable.
6. It has been suggested that the Council may have granted planning permission for a different form of development. Irrespective of whether this is the case, a planning application was submitted to the Council and therefore, the Council was entitled to determine the application. In consequence, the fact that the applicant submitted their appeal against the refusal of planning permission is not evidence of wasted or unnecessary expense given that it was in response to a conclusion that the Council could be reasonably expected to reach.

7. Given that the Council outlined areas of national and local planning policies, which they considered had been breached by the development and harm that would arise from this, I am unable to conclude that the Council prevented or delayed development which should clearly have been permitted.
8. The applicant has suggested that the Council's Planning Officer indicated that the scheme was acceptable prior to the determination of the planning application. Whilst this may be the case, the Council's reasons for refusal are properly substantiated and have relied upon relevant policies. This is therefore not evidence of unreasonable behaviour that has created wasted expense.
9. I understand that the Council has previously permitted other developments at the appeal site. However, it is clear from the Council's delegated report that these have differing forms and purposes to the appeal scheme. In result, a differing approach is justified in this instance. I therefore do not find that this is evidence of unreasonable behaviour.
10. In consequence, I cannot agree that the Council has acted unreasonably in this case. As such, I do not believe that the appellant was put to unnecessary or wasted expense. Therefore, an award of costs is not justified.

Conclusion

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

Benjamin Clarke

INSPECTOR