



Costs Decision

Site visit made on 14 June 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2024

Costs application in relation to Appeal Ref: APP/J1915/W/23/3327372 Home Farm, 76 Bramfield Road, Datchworth, Hertfordshire SG3 6RZ

- 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 C Bullock for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for the erection of a detached four-bedroom dwelling and associated access, parking area, residential garden, and hard and soft landscaping.
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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 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. Consistency in decision making is important, and where a Council does not determine similar cases in a consistent manner this can amount to unreasonable behaviour. However, it is also well established that applications should be considered on their own individual merits having regard to their particular circumstances.
4. The Coltsfoot Lane appeal was allowed whilst the Burnham Green Road appeal was dismissed. Although there are some differences between the location of these sites, both are within the Bull's Green/Burnham Green area and near the 76 Bramfield Road site. Some of the views expressed by the Inspectors in these decisions diverged.
5. I find that the Council had due regard to both of those appeal decisions and came to its own conclusion on the present appeal in the light of them. This was entirely appropriate. I cannot agree with the applicant that the Coltsfoot Lane appeal is clearly the more relevant of the two. Appraising the acceptability of the accessibility credentials of a site is a matter of judgement. The Council has provided a detailed appraisal of the appeal site's accessibility credentials and why, in its view, they are deficient. Although in my appeal decision I have concluded that the appeal site's accessibility to services, facilities and sustainable transport modes is acceptable for the development proposed, it was not unreasonable of the Council to have come to the opposing view.
6. The Council have therefore substantiated its views on this matter, even if I have not agreed with them. Furthermore, it can also be seen from my decision

that I agree with the Council in part – there is some conflict with development plan policies.

7. Consequently, I find that the Council appraised the appeal scheme on its own merits with proper regard to planning history in the area. In doing so the Council behaved reasonably. Therefore, an award of costs is not warranted.

H Jones

INSPECTOR