
Costs Decision

Site visit made on 2 September 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Costs Application in relation to Appeal Ref: APP/J1915/D/24/3342301 Land at 'Little Gobions', Stapleford, Hertfordshire SG14 2BF

- 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. D. Shipton for a full award of costs against East Herts Council.
 - The appeal was made against the refusal of planning permission for "*the demolition of the existing stables and garage building and its replacement with a new studio, changing facilities, garage and garden store plus adjoining swimming pool*".
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Formal Decision

1. I refuse the application for an award of costs against East Herts Council.

Submissions on behalf of Mr. D. Shipton (the Appellant)

2. The appellant argues that the Council delayed the planning application and failed to explain and justify themselves. In particular, in the context of the planning appeal, it is asserted that the Council "declined to justify why the extant permission to extend the stables is not valid despite clear evidence being presented" and applied irrelevant area calculations in their analysis of the proposed development.
3. It is therefore claimed that the Council behaved unreasonably and that the Appellant's costs of the appeal should be met by the Council.

Submissions by East Herts Council

4. The Council state that additional time was needed, in continuing discussions with the Appellant, researching the history, and awaiting consultee responses. Moreover, they argue that their concerns are clearly explained in the wording of the formal reasons for refusal. They argue that they have explained both their initial concerns and the subsequent reasons for refusal and that they have defended their refusal of planning permission based on policies in the 'National Planning Policy Framework' and the Development Plan.
5. The Council submits that the application for an award of costs should be rejected.

Reasons

6. 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.
7. I note that the Council's responses to points raised by the applicant during the application process were inadequate in some respects and that consultation during the planning application process appears to have been difficult. Nevertheless, I am aware that the application for costs relates to unnecessary or wasted expense in the appeal proceeding, as distinct from the application process. Thus, the way in which the Council dealt with the planning application does not affect my conclusions on the application for the costs of the subsequent appeal.
8. The application of Green Belt Policy can be complex and its interpretation may not always be easy. The Council have considered the proposed outbuilding as if it were an extension to the existing dwelling but I have not adopted this approach. Nevertheless, the Council's approach to this complex area cannot be described as unreasonable.
9. Reference has also been made to an old planning permission and evidence has been submitted as to its relevance, although no application has been made for a Certificate of Lawfulness and, in the circumstances, I have not been able to attach great weight to that planning history.
10. In conclusion, while the Appeal Decision does not accept the Council's detailed reasoning, I have supported their overall approach and the appeal has been dismissed.
11. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated and I hereby refuse the application for costs against East Herts Council.

Roger C Shrimplin

INSPECTOR