



Costs Decision

Site visit made on 13 November 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Costs application in relation to Appeal Ref: APP/J1915/W/24/3340841 Stables and land adjoining Thundridge House, Poles Lane, Thundridge, Ware, Hertfordshire SG12 0SQ

- 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 Norman Sheldrake for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for the change of use from stables and paddock and construction of 1 new, 2 storey house, triple garage, landscape, parking with amended access.
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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. The type of behaviour that can lead to a costs award includes both substantive and procedural matters relating to issues arising from the planning merits of the appeal or relating to process.
3. The applicant contends that the Local Planning Authority (the LPA) has acted unreasonably in failing to justify their reasons for refusing the application. The applicant also states that the LPA has made inaccurate statements in their officer report and omitted other relevant information, which had been brought to their attention but not addressed. The LPA disputes this stating that the report contains no omissions or falsehoods and state that they have clearly set out their position for each of the reasons for refusal.
4. Whilst it is clear from the evidence submitted with the appeal that there is a difference of opinion in relation to the mains issues and in particular whether or not the proposed development lies within the village of Thundridge, these are matters of planning judgment. It is not unusual for parties to reach different conclusions and although I appreciate that the applicant is frustrated by the lack of opportunity to discuss this with the LPA whilst the application was being considered, based on my findings in my appeal decision, I am not persuaded that this would have resulted in a different outcome.
5. The applicant also contends that the LPA has failed to include the detailed benefit of Paragraph 154(e) of the National Planning Policy Framework (the

Framework) and that the LPA has referred to wording within Paragraph 154(g) of the Framework which is not relevant to this matter. The LPA in response states that they assessed the proposal based on national and local policies relevant to the case.

6. I note that the applicant has sought to justify the proposal on the basis of Paragraph 154(e) of the Framework, which I have considered within my appeal decision. However, it is not uncommon for a proposed development to fall into more than one of the exceptions listed in Paragraph 154 or 155 of the Framework.
7. Paragraph 154(g) of the Framework relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would either not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. In this particular case, it is not disputed that the appeal site forms previously developed land, and therefore I find that Paragraph 154(g) is a relevant consideration.
8. I acknowledge that the LPA's reason for refusal does not set out conflict with a specific paragraph of the Framework. Nevertheless, it is clear that they found that the proposal did not meet the exceptions outlined in either Paragraph 154(e) or 154(g) of the Framework. Therefore, I find that the LPA has not acted unreasonably in considering whether or not the proposal would meet the exception set out in Paragraph 154(g) of the Framework.
9. The applicant also suggests that the LPA failed to be proactive and constructive. Paragraph 38 of the Framework states that local planning authorities should approach decisions on proposed development in a positive and creative way. Whilst there is some evidence provided by the appellant, which indicates that some of the concerns regarding missing or inaccurate information were addressed to the LPA in various email exchanges, I have not been provided with any evidence of specific points which were brought to the attention of the LPA, and which were not addressed.
10. Furthermore, whilst the appellant claims that there has been a lack of communication from the LPA dating back to June 2022, I note that the application to which this appeal relates was not submitted until July 2023. Both the appellant and the LPA has provided copies of some email correspondence which took place after the application was submitted, and the application was determined shortly after. Therefore, whilst I understand the appellant's frustrations with the overall process of trying to obtain planning permission on this site, I have not been presented with any compelling evidence that the LPA failed to act in a reasonable manner.
11. Furthermore, as the LPA's first reason for refusal relates to a matter of principle, I also find that it was not unreasonable of the LPA to determine the application based on the information as submitted. It is not the responsibility of the LPA to ensure a proposal complies with all relevant policy requirements.
12. Therefore, I consider that there is no compelling evidence that the LPA acted unreasonably by failing to behave proactively during the planning application

process. In any case, I have no firm evidence that more positive engagement from the LPA would have resulted in the appeal being avoided.

Conclusion

13. For the above reasons, I conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Lancaster

INSPECTOR