Planning Inspectorate

Costs Decision

Site visit made on 8 January 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Costs application in relation to Appeal Ref: APP/C1950/W/24/3353922
Highfield House, Roe Green Lane, Hatfield, Hertfordshire, AL10 0FP

- 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 Harpal Tamber for a full award of costs against Welwyn Hatfield Council.
- The appeal was against the refusal of planning permission for erection of a 2 storey (plus loft) building to provide 16 two-bedroom (4 person) residential units together with provision for 20 car parking spaces to the rear, a bicycle store to the rear for 10 bicycles and a bin store fronting on to Roe Green Lane, following demolition of two existing dwellings.

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 appellants consider that the appeal was unnecessary and as a result of the Council's unreasonable behaviour in relation to its handling of the application. Therefore, a key issue is whether the Council have provided sufficient evidence to substantiate their reason for refusal at appeal. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its appeal statement.

4. The appellant makes reference to the condition being unnecessary at the time it was imposed, but no appeal against the condition was lodged at that time which was an option open to the applicant. This would have enabled consideration prior to construction of the development. Furthermore, the condition was imposed based on the evidence available to the Council at that time that solar panels would be part of the development's sustainability criteria in accordance with the development plan and supplementary design guide. There was no indication that the solar panels were to be an optional part of the development.

5. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that in exercising their planning judgement the

Council had reasonable concerns about the impact of the proposed development which justified its decision and as such I do not consider this has resulted in unnecessary or wasted expense on the part of the appellant.

Conclusion

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Pannell

INSPECTOR