



Costs Decision

Site visit made on 15 October 2024

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 30th January 2025

Costs application in relation to Appeal Ref: APP/J1915/W/24/3338529 North Banks, Standon Road, Little Hadham, Hertfordshire SG11 2DE

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Cowler for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for the erection of 3no dwellings with associated landscaping.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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. PPG indicates that local planning authorities will be at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal at appeal; where vague, generalised or inaccurate assertions have been made about a proposal's impact, which are unsupported by any objective analysis; and where similar cases have not been determined in a similar manner.
4. The applicant considers that the council has exhibited unreasonable behaviour in how it has applied its policies and that the council's reasoning is vague and generalised. However, I have found that the proposed development in this instance is not supported by Policies DPS2 or GBR2 of the LP¹. Regardless of whether it would constitute limited infilling or the redevelopment of previously developed land, it would be harmful to the character and appearance of the area. Together, with the other locational harm identified, this means that the proposed development would not accord with the sustainable objectives of the identified development plan policies or those within the National Planning Policy

¹ East Herts District Plan 2018

Framework. In the circumstances I do not find that the council acted unreasonably in the application of its policies having regard to the site-specific circumstances and proposed development before it.

5. The applicant has referred to other appeal decisions in the district, including in terms of the assessment of what constitutes previously developed land. Reference is also made to the council's policy relating to development 'within Group 2 villages' although no evidence has been provided to suggest that its provisions apply to sites outside the consolidated footprint of a village and within the rural area. In any case, for the reasons set out in my appeal decision, each of the other sites referred to had site-specific factors which made them different to the applicant's appeal.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

S Lo

INSPECTOR