



Costs Decision

Site visit made on 26 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Costs application in relation to Appeal Ref: APP/A1910/W/24/3346304 Land to West of Orchard House, Astrope Lane, Astrope HP23 4PN

- 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 Laxton Properties Limited for a full award of costs against Hertfordshire Lead Local Flood Authority.
 - The appeal was against the refusal of planning permission for residential development including formation of new houses, access, landscaping and all ancillary features. Diversion of footpath 53.
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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.
3. The appellant's claim for costs relies on the basis that the Hertfordshire Lead Local Flood Authority (LLFA) provided comments after the end of the statutory consultation period.
4. The LLFA have not provided comments in response to the appellants claim for costs. However, while it is unclear why the comments were submitted after the statutory period, the comments were provided prior to the Council's determination of the application.
5. The LLFA do not have any control over when the Council issue their decision and as such, it was not their decision not to permit the appellant further time to respond to the request for information. While frustrating for the appellant, it is clear that further information was required in order to address drainage concerns that could not have been required through a planning condition. As such, whether this information was provided through the application or subsequent appeal has not resulted in any wasted expense for the appellant.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Wilson

INSPECTOR