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## Costs Decisions

Site visit made on 11 November 2024

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> February 2025

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### **Costs application in relation to Appeal A Ref: APP/J1915/W/24/3339591 Bluebell Cottage, Hare Street, Hertfordshire SG9 0DY**

- 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 Pelham Structures Ltd for a full award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of the Council to grant planning permission for demolition of outbuildings and erection of four dwellings with associated garages, landscaping and vehicular access and erection of detached double garage to Bluebell Cottage.
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### **Costs application in relation to Appeal B Ref: APP/J1915/W/24/3350777 Bluebell Cottage, Hare Street, Hertfordshire SG9 0DY**

- 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 Pelham Structures Ltd for a full award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of the Council to grant planning permission for demolition of outbuildings and erection of 2 four bedroomed dwellings with associated garages, landscaping and vehicular access and erection of garage to Bluebell Cottage.
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## Decisions

1. Both applications for an award of costs are refused.

## Preliminary Matters

2. There are two linked costs applications by the same applicant with some common considerations. To avoid duplication I have dealt with the applications together, except where indicated. I use abbreviations and naming conventions taken from my appeal decisions.
3. Though not expressly stated in the application relating to Appeal A, it is evident from the applicant's submissions that a full award of costs is sought, in-line with the application relating to Appeal B. I have reflected this in the relevant banner heading above.
4. The Council was provided with an opportunity to respond to both costs applications and the applicant submitted final comments. I have taken all of these submissions into account in determining both applications.

## Reasons

5. Parties in planning appeals normally meet their own expenses. However, 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. Both criteria must be met for a successful award.
6. In both applications the applicant says it was unreasonable of the Council to find that the proposal was contrary to EHDC Policy GBR2. Additionally, in the application relating to Appeal B, that it was unreasonable of the Council to find that there was insufficient information to demonstrate self or custom build dwellings.
  7. However, the reasons given by the applicant in support of both contentions are essentially a repeat of the applicant's appeal cases and largely a difference of planning judgment. I am satisfied that the Council properly exercised its development management decision-making powers to refuse both appeal applications for the reasons that it did and as set out in detailed officer reports, including against relevant development plan policies. It has substantiated the reasons for refusal at appeal stage, including specific alleged impacts of the proposal and objective analysis as appropriate. Also, by taking account of relevant caselaw and other decisions it made or appeal decisions referred to by the applicant, as well as in response to conditions promoted by the applicant seeking to make otherwise unacceptable development acceptable.
  8. I appreciate that the applicant does not agree with the Council's position in these regards (including that it was evidently anticipated the Appeal B planning application had addressed the Council's concerns with the Appeal A planning application) but this does not justify an award of costs. The applicant decided to pursue matters through the appeal process and my appeal decisions have resolved the matters in dispute. It will be evident that I respectfully do not agree with the applicant in both appeals. Consequently, the Council did not prevent or delay development which should clearly have been permitted having regard to planning policy and other material considerations.

### **Conclusion**

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a full award of costs is not warranted in either application. Nor is a partial award of costs warranted for the same reasons.

*Robin Buchanan*

INSPECTOR