



Costs Decision

Site visit made on 9 April 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Costs application in relation to Appeal Ref: APP/W/J1915/D/25/3358111 5 Elm Road, Bishop's Stortford, Herts CM23 2SS

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr P Buzzing for a full award of costs against East Herts District Council.
 - The appeal was against the refusal of planning permission for raising roof height to create first floor and second floor windows and rooflight windows; ground floor front, side and rear extension, lower ground floor extension with alterations to land levels and new external steps; alterations to fenestration, new trellis on top of existing fence.
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Decision

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

Reasons

2. 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. Unreasonable behaviour may be either procedural or substantive.
3. The appellant contends that the Council failed to follow best practice outlined in the National Planning Policy Framework (the Framework) in terms of constructive engagement during the planning process and failed to provide sufficient evidence to substantiate the reasons for refusal.
4. In respect of the first matter, the Framework states that local planning authorities should approach decisions in a positive and creative way but also encourages pre-application engagement and quick decision making.
5. I note that there was correspondence between the parties during the consideration of the application, with the Council accepting amended plans to more accurately reflect the existing on-site situation. Although no further amendments were accepted, the Council nevertheless kept the appellant up to date with the processing of the application and it was determined within the statutory period.
6. Whilst I appreciate that it may be frustrating to the appellant to be unable to submit further amendments to overcome the Council's concerns, there is no requirement for the Council to allow them, particularly where this would result in the determination of the application being delayed beyond the statutory period. I note that following the previous refusal the Council suggested that the appellant seek formal pre-application advice prior to re-submission but that this was not sought in respect of the amended scheme. Given the previous planning history, this would

have been prudent. Overall, having regard to the above, I do not find that the Council acted unreasonably in this respect.

7. In respect of the second matter, the PPG states that local planning authorities are at risk of an award of costs with respect to the substance of the matter under appeal where there is a failure to produce evidence to substantiate each reason for refusal. The Council's officer report sets out in some detail the reasons why the proposal was not considered to comply with the relevant local and national policy. Whilst it is noted that the Council agreed that Elm Road has a varied architectural context it is nevertheless explained fully why, in the Council's opinion, the appeal scheme did not fit in with that context.
8. In addition, the officer report assesses in some detail in the effect on the occupiers of adjoining properties, identifying the elements of the proposal that are considered be relevant in this regard, the differences compared to the earlier scheme and the reasons why it was concluded that adverse impacts would nevertheless arise. The Appellant refers to the sunshine survey document that was provided to support the earlier application. However, the Council explains that this was not submitted to support the appeal application and therefore it was not taken into account.
9. The above are essentially matters of judgement and in my view the Council took into account all relevant information and explained in sufficient detail why the proposal did not satisfy the relevant policies.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P B Jarvis

INSPECTOR