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## Costs Decision

Hearing held on 21 May 2025

Site visit made on 21 May 2025

**by G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2025

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### **Costs application in relation to Appeal Ref: APP/J1915/W/25/3361327**

#### **Silver Leys Polo Club, Millfield Lane, Little Hadham, Hertfordshire SG11 2ED**

- 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 Hertfordshire Polo Academy for a full award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for retention of three mobile home units as rural worker's dwellings for grooms accommodation.
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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 applicant contends that the Council made vague, generalised or inaccurate assertions about the impact of the proposal which were unsupported by objective analysis and that planning permission was refused on grounds capable of being dealt with by conditions.
4. The applicant states that a confidential version of the Supporting Equestrian Appraisal (SEA) was submitted which included sensitive details of equine health issues. The Council confirms that it refused to accept the confidential version of the document because it could not identify any sensitive information within the document and due to the need to maintain openness and transparency. The Council state that it was clear that the applicant would not want the confidential version of the SEA published and therefore they did not accept it, instead accepting a version that was not marked confidential.
5. It has not been fully explained as to the need for the information provided in the confidential SEA to be kept as such. As stated in my appeal decision, I have found that an essential need has not been demonstrated for three rural workers homes, even when taking into account the confidential version of the SEA. As such, I do not find that the first reason for refusal would have been overcome and this part of the appeal avoided, even if the confidential version of the SEA was accepted by the Council.

6. The applicant asserts that the Council should have appointed an agricultural/equestrian expert to provide a view on the application. I have not been made aware of any specific requirement for the Council to seek specialist advice on such matters. I find that the Council thoroughly considered the evidence submitted in support of the application in terms of essential need and alternative accommodation and the reasoning provided by the Council was clear. I do not consider that the Council demonstrated unreasonable behaviour in relying on the Principal Planning Officer's assessment of the application, which was signed off by the Head of Planning and Building Control.
7. Whilst not referencing the Animal Welfare Act 2006 explicitly, the Council's Delegated Officer Report clearly identifies the duty of care for animal welfare as referred to in the SEA and acknowledges the different elements involved in the enterprise in this regard.
8. In line with my findings in the appeal decision, in relation to the Council's first and second reasons for refusal relating to the essential need for three rural worker's dwellings and in the absence of that being demonstrated, the suitability of the location of the appeal site for three dwellings, I do not consider that the Council made vague, generalised or inaccurate assertions about the impact of the proposal. I also find that appropriate objective analysis was carried out by the Council.
9. I acknowledge that the Highway Authority did not object to the planning application, nevertheless, I do find that the information provided with the planning application in terms of how vehicular access was provided and parking arrangements on the appeal site were lacking. In coming to my appeal decision, I have relied upon information provided within the Access Appraisal (AA) which was not available to the Council at the point it determined the planning application.
10. As such, I do not consider that the Council was unreasonable in identifying that insufficient information had been provided in relation to access and parking matters. Whilst I have found in my appeal decision that the access is sufficient, I have found that the parking provision has not been sufficiently demonstrated. I have also found that this could not be appropriately dealt with by planning conditions. Therefore, matters relating to the Council's third reason for refusal, regarding access and parking would not have been entirely avoided at the appeal stage.
11. With regard to arboricultural matters, I note that the Council's Consulting Arboricultural Officer (CAO) did not raise issues with the works that had been carried out so far, in terms of the impact on trees, when considering the information submitted with the planning application. It is acknowledged in that response that should further works be required that details would be required by condition. In terms of ecological considerations, I note that the Council's Assistant Ecology Advisor (AEA) did not object to the use of a condition in relation to lighting, an informative relating to nesting birds and that ecological enhancements identified were supported, whilst further information was required relating to biodiversity net gain matters.
12. The Council clearly identified in the Officer's Delegated Report that it was aware that the CAO and AEA had not objected to the planning application, but then went on to clearly set out the reasoning why a different view was being taken. I have found in the appeal decision that the consideration of the longer term impacts on

the woodland is an important consideration. I also recognise that the Council's assessment was based on a site visit, whereas the CAO's assessment was not. It is noted that the receipt of the indicative parking arrangements set out in the AA submitted with the appeal added to the concerns raised by the Council, rather than helping to resolve the issues raised. I have found that given the significant effect that might arise to trees and therefore the woodland habitat, I am not satisfied that these matters could be appropriately dealt with by planning conditions. Therefore, matters relating to the Council's fourth reason for refusal, relating to the effect on the woodland habitat, would not have been avoided at the appeal stage.

13. For the above reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*G Dring*

INSPECTOR