
Costs Decision

Site visit made on 13 June 2025

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Costs application in relation to Appeal Ref: APP/W1905/W/24/3358063

2 E Flat Cottages, Hailey Lane, Hoddesdon, Hertfordshire SG13 7NY

- 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 Mr and Mrs Cavill for a full award of costs against Broxbourne Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of existing garage and outbuildings and erection of single dwelling
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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 grounds for the costs claim relate to the Council's handling and assessment of the application, specifically that it had failed to engage proactively, did not provide clear reasons for its decision and did not explore alternatives, and that it did not take account of the personal circumstances of the applicant in its decision including with reference to the Equality Act 2010 (the Act) and development plan policies for housing to meet specific needs.
4. The Council deemed the proposal to be inappropriate development in the Green Belt. Whilst I have come to a different view on this matter, I do not find the Council's conclusion to be without evidenced analysis. Therefore, in accordance with the National Planning Policy Framework, it was necessary for the Council to consider whether the other considerations present would amount to the very special circumstances required to justify inappropriate development in the Green Belt.
5. Although the Officer's Report (OR) does not specifically refer to the Public Sector Equality Duty, the Act, or to Policy H6 of the Broxbourne Local Plan (June 2020), I am satisfied that the Council had due regard to, and ascribed positive weight to, the custom design of the proposed dwelling and the personal needs of its intended occupier. Indeed, these factors are specifically referred to in the OR as matters that were advanced in support of the proposal.
6. However, whether or not these matters amount to the very special circumstances required to justify an inappropriate development in the Green Belt is ultimately a matter of planning judgement. The applicant may disagree with the outcome of the

Council's weighing exercise. However, I do not find the Council's assessment in the OR, and as further substantiated in its appeal documents, to be fundamentally flawed or lacking in reasoned explanation.

7. There is no substantive evidence before me to indicate that the Council did not engage proactively during the application process. Rather, the evidence suggests there was some communication throughout the lifetime of the application. Furthermore, whilst it is open to the Council to accept revisions to planning applications, it is not incumbent on it to do so; and it is not necessary for the Council to discuss alternatives that could potentially overcome its concerns. Therefore, that the Council did not offer the opportunity to resolve its concerns during the application process does not amount to unreasonable behaviour.
8. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary and wasted expense in the appeal process has not been demonstrated. The application for a full award of costs is therefore refused.

E Catcheside

INSPECTOR