



Costs Decision

Site visit made on 12 August 2025

by **Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Costs application in relation to Appeal Ref: APP/J1915/D/25/3368064 5 Elm Road, Bishop's Stortford, Hertfordshire 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 Paul Buzzing for a full award of costs against East Herts Council.
 - The appeal was against the refusal of planning permission for a single storey rear extension with attached garage and first floor extension with new roof over, internal and external alterations.
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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. The PPG states that awards against a local planning authority may be either procedural or substantive.
3. The award of costs is made on the basis that the applicant believes that the Council have acted unreasonably by virtue of the fact that it has refused a number of applications previous to the one the subject of the appeal proposal, and they consider that the cycle of re-application and refusal has become circular and ultimately unproductive. I can wholly understand the applicant's frustration in this, although as I have set out within my appeal decision, I had not been provided with the details of those cases that preceded the appeal scheme. Notwithstanding this, in determining the appeal it fell to me to determine it on its own merits and with specific regard to the single storey flat roof extensions to the rear, albeit facing Elm Road, I found demonstrable harm to the character and appearance of the area.
4. The applicant claims that the Council failed to engage in constructive application dialogue having refused three separate Planning Applications and one Prior Approval application within an 18 month period. However, going by the planning history as set out within the Officer Report, the planning application that was submitted to the Council prior to the current appeal proposal was dismissed at appeal by one of my colleagues, along with an associated costs application. Therefore, on this point alone, it signifies to me that the Council has not acted unreasonably at the very least up until the point that the current appeal proposal's planning application was submitted. On this note, I have been provided with clear evidence that the Council entered into email correspondence with the applicant

explaining that, in their view, the issues they highlighted with the proposal could not be overcome by minor revisions. Indeed, I came to a similar conclusion in my appeal decision, whereby I considered that I could not accept the revised drawings submitted by the applicant as part of the appeal process, due to the materially different nature of the revised scheme with that originally submitted. Consequently, the above does not signify that the Council has necessarily acted unreasonably.

5. Furthermore, I consider that the Council's reasons for refusal were clear and precise with the Officer Report supporting that stance. Therefore, I consider that the reasons for refusal do not make a generalised or unsupported claims about harm to the character and appearance of the area. Mention is also made to a fall-back position, however, in the absence of such a scheme being tabled and/or a Certificate of Lawfulness demonstrating such, I gave such a position limited weight in my appeal decision.
6. In my appeal decision I also acknowledged that there were no objections to the proposal from neighbours or statutory consultees, other than the Town Council, and notwithstanding that the Local Ward Councillor requested the application be heard at Committee, I have been provided with email correspondence from the Chair of the Council's Planning Committee explaining why they considered a delegated decision was appropriate; and which is normal for a householder proposal.
7. I can understand the applicant's frustration in achieving their aim of renovating the dwelling, however, I am sure there is a solution that will satisfy all parties, although it is not appropriate for me to stipulate what that is. Overall, bearing in mind that I found harm stemming from the proposal upon the character and appearance of the area, I dismissed the appeal, and I consider that overall, a refusal of planning permission by the Council did not amount to unreasonable behaviour resulting in unnecessary and wasted expense to the applicant.
8. I therefore consider that unreasonable behaviour as described in the PPG has not been demonstrated, and the application for a full award of costs is refused.

C J Tivey

INSPECTOR