



Costs Decision

Site visit made on 27 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Costs application in relation to Appeal Ref: APP/J1915/W/25/3376273 Surrounded, Coveys Lane, High Wych, Hertfordshire CM21 0LE

- 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 East Hertfordshire District Council for a partial award of costs against Ms Amelia Reffold.
 - The appeal was against the refusal of planning permission for change of use from grazing land to residential garden and installation of ground level solar panels.
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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 PPG provides examples of unreasonable behaviours which may give rise to a procedural award of costs against an appellant. This includes “introducing fresh and substantial evidence at a late-stage necessitating ... extra expense for preparatory work that would not otherwise have arisen”¹.
4. The Council allege the appellant acted unreasonably through introducing new arguments including whether the site is lawful residential land and comparison of garden sizes in the area, and submission of additional evidence namely the Landscape and Visual Appraisal. The Council asserts that it incurred unnecessary or wasted expense through the time and effort required to review these matters.
5. In their statement, the appellant explains they were surprised to learn the site was not considered to comprise garden land within the residential curtilage of their dwelling and describes how the site had been used by themselves and by previous occupants. The statement includes historic aerial photography which catalogues the appearance of the site over time.
6. The description of the proposal, as set out by the planning application form, sought “change of use from grazing land to residential garden...”. Therefore, the proposal was advanced on the basis that the existing lawful use of the site was agricultural land. The appeal was made on the same basis. Therefore, I do not consider the appellant introduced a new argument in respect of the lawful use of the land.

¹ PPG ref: Paragraph: 052 Reference ID: 16-052-20140306

7. The appellant's statement includes annotated aerial photographs of other residential gardens in the surrounding area. It is clear from the statement that the purpose of this information is to illustrate the landscape context of the site and character of the area and is thus directly relevant to the reason for refusal. The aerial photographs show just five areas of garden and contain no measurements nor details of whether the gardens are lawful. Therefore, this information would not have been onerous for the Council to review.
8. The Procedural Guide: Planning Appeals – England advises that the appellant's statement of case should not normally include new evidence or additional technical data not previously seen by the LPA. The procedural continues that if new technical evidence is exceptionally submitted, then it should be clearly identified with an explanation given as to why it is being submitted and why it was not previously submitted with the application².
9. The appellant submitted the Landscape and Visual Appraisal (LVA) with the appeal. The LVA did not comprise part of the original planning application. The appellant's statement indicates it should be read in conjunction with the LVA, and the LVA explains its purpose is to provide a summary of landscape and visual considerations. It is evident that the purpose of the LVA is to dispute the sole reason for refusal which alleges the proposed change of use would have a harmful impact on the rural character and appearance of the site.
10. The Council's delegated report concludes the proposal would have "a very modest negative visual impact to the rural character of the surrounding area", and the Council has not identified any policy requirement that would necessitate technical evidence of this nature be submitted for a proposal of this scale. Therefore, the appellant would not reasonably have expected it would be proportionate to provide a LVA at the planning application stage, since the proposal is both small in scale and of limited visual impact. Therefore, whilst new evidence should not normally be included at appeal, in this circumstance submission of the LVA was justified.
11. Moreover, the LVA is thorough but not excessive in length. Its methodology and findings are clearly stated, and it is reasonable to expect Council's officers would be capable of efficiently dealing with matters of landscape and visual impacts. The submission of the LVA did not require the Council commission an independent review nor require it undertake its own assessment. Therefore, consideration of the LVA and its findings would not have been burdensome on the Council.
12. For the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

E Dade

INSPECTOR

² Procedural Guide: Planning Appeals – England, paragraph 12.2.3.