
Costs Decision

Site visit made on 23 September 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Costs application in relation to Appeal Ref: APP/J1915/W/25/3368591 White House Lodge, Hare Street, Hertfordshire SG9 0DX

- 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 Chris Rixon for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of planning permission for a new stable block and sand turnout area.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matter

2. The applicant does not state whether a full or partial award is sought. However, by reason of the nature of the reference in the applicant's appeal statement regarding an award of costs, I have interpreted it as being one for a full award and have proceeded on that basis.

Reasons

3. 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.

First reason for refusal

4. Although the first reason for refusal and the Council's concluding paragraph in its officer report both refer to open space, the Council's design and appearance assessment refers to open land and openness and does not mention open space. Furthermore, the Council makes no reference to the definition of open space in the National Planning Policy Framework (the Framework) and does not cite a conflict with the Framework in its conclusions or reasons for refusal.
5. Policy CFLR1 of the East Herts District Plan October 2018 (EHDP) relates to 'Open Space, Sport and Recreation' and the references to open space in this policy are in line with the Framework definition. The Council refers to Policy CFLR1 in its assessment however no conflict with this policy was cited.
6. For these reasons, I accept that the Council's use of 'open space' in its conclusion and the first reason for refusal is as an alternate phrase to open land and openness and not with specific regard to the Framework definition.

7. Whether or not a proposal would cause visual intrusion, the level of visual intrusion that would be caused, or would cause harmful encroachment, are matters which require the exercise of planning judgement. Substantive details have not been provided of a previous planning approval for other stables¹, so I cannot be certain that the site context is comparable to the appeal site. Moreover, an assessment of the visual impact of a proposal is based on its individual merits. Notwithstanding my conclusions in this regard in the Appeal Decision, the Council clearly explained their reasoning in its assessment and, consequently, it was not unreasonable for the Council to reach its conclusion.
8. Given the nature of the Council's concerns with regards to character and appearance, it is unlikely that the submission of details of the proposed hardstanding and landscaping during the original application would have made the proposal acceptable to the Council in this matter. Moreover, and notwithstanding my conclusions that conditions requiring the submission of details of the proposed hardstanding and landscaping would be unnecessary, it was not unreasonable for the Council to suggest such conditions in light of its concerns.

Second reason for refusal

9. The second reason for refusal states that the existing buildings within the site cannot be re-used in their current form and, therefore, an overprovision of stable units would be provided with no identified need, and a conflict with criterion b) of EDHP Policy CFLR6 was cited.
10. EDHP Policy CFLR6 sets out a series of criteria that proposal for equine development have to meet, including that it must be demonstrated that where new buildings are proposed, the existing structures cannot be re-used. The policy does not, however, provide a definition of 'overprovision' with regards to stabling.
11. Section 93G of the Town and Country Planning Act 1990 (as amended) states a commencement notice is to be served before the development is begun (my emphasis), and that a further commencement notice must be served should development not commence on the previously stated date. As such, the service of a commencement notice would not demonstrate that a development has begun.
12. However, the planning application form clearly states that the proposed materials for the new stables would be reused from the former livery yard, and this is also referred to in the planning statement and correspondence between the applicant and the Council. It is therefore evident that at least one of the existing stable blocks would be demolished to construct the new stable block. Therefore, at least one of the existing structures would be re-used and there would not be any increase in the provision of stables at the appeal site.
13. The Council's conclusion that the proposal would increase the number of stables to thirteen at the site is therefore flawed, as it did not take into account the demolition and re-use of the existing stables.
14. The proposed drawings show that the existing access, within the red line boundary, would serve the new stable block. Even if the approved housing scheme² is built, the approved drawings for that scheme show an alternative access would be

¹ Planning application ref. 3/21/0561/FUL

² Planning application ref. 3/23/1819/FUL

provided. Moreover, the housing scheme does not form part of the application for the stables and is not shown on the submitted drawings.

15. Although the Council expresses concerns regarding the welfare of the horses should insufficient stabling be provided, this does not form part of the second reason for refusal.
16. Nevertheless, the Council has failed to produce evidence to substantiate the second reason for refusal and has made inaccurate assertions about the alleged overprovision of stables.

Conclusion

17. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated with regards to the first reason for refusal. However, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the second reason for refusal and, therefore, a partial award of costs is warranted.

Costs Order

18. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Hertfordshire District Council shall pay to Mr Chris Rixon, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in defending the second reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.
19. The applicant is now invited to submit to East Hertfordshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

D Ellis

INSPECTOR