TOWN AND COUNTRY PLANNING ACT 1990

(AS AMENDED BY THE PLANNING AND COMPULSORY PURCHASE ACT 2004)

SECTION 78 APPEAL.

Application for an award of appeal costs

APPELLANT : MR J PATEL
APPEAL SITE : 1-3 THE MEAD, HITCHIN, HERTS SG5 1XZ
OUR REF : TC/5144 /AP
LPA REF : 18/00278/FP
DATE : 16 NOVEMBER 2018

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Supporting Statement for an application for an award of appeal costs

(a) The appellant would like to seek costs on the basis that they were put to unnecessary and wasted expense during this appeal process, when clearly the development is not contentious and would not be contrary to any Local or National Policy.

(b) Considerable effort has been made to put forward a development that respects the host dwelling and character of the surrounding area; whilst meeting the necessary amenity guidelines and standards. Overall it is considered that the appeal scheme meets the sustainable strategy objectives of the Council. It is clear that the principle of the partial change of use is not disputed and considered appropriate by the Local Planning Authority. As stated within the Officer's report "due to its location, there are no Saved Local Plan Policies which are applicable to the change of use of the building. As such, there is no objection to the principle of the part change of use as the Saved Local Plan is silent on this matter".

(c) The appellant would like to seek costs against the Council on the basis that the Planning Committee acted unreasonably in their behaviour against the appellant. This was clearly demonstrated through the fact that Officer recommendation to Committee was for approval.

(c) As noted within the Officer's report, it was considered that the proposed alterations to the shopfront would clearly have some visual impact but would not cause visual harm. On the basis that the "*existing building is not particularly attractive nor is the area on the whole particularly visually sensitive. As such I do not consider that the installation of the flue would cause such harm to the character or appearance of the area that it would merit refusal*". The Officer, fully assessed the application, together with Senior Officers and visited the site and local area, and considered that the proposed development would not cause any undue

detriment to the visual amenities of the streetscene. It should also be observed that the host property, lacks architectural merit.

(d) We believe that the appellant is able to seek costs and they should be duly awarded on the basis that this appeal meets the necessary tests.