The Planning Inspectorate

Costs Decision

Site visit made on 6 February 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 15 March 2019

Costs application in relation to Appeal Ref: APP/X1925/W/18/3216420
1-3 The Mead, Hitchin SG5 1XZ

- 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 J Patel for a full award of costs against North Hertfordshire District Council.
- The appeal was against the refusal of planning permission for change of use from A1 to A5.

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 appellant is seeking an award of costs against the Local Planning Authority as he considers that the development proposed was not contentious or contrary to any local or national policy. There was no objection in principle to the proposed change of use, and that the officers of the Local Planning Authority recommended that the application be approved. In his view the Committee acted unreasonably in refusing it.

4. However, the appellant would also have been aware that there were a number of objections to the proposal from local residents. Consequently, the matter was referred to Committee for determination in a public meeting. In that meeting the Members took the view that, even though there was no objection to a change of use, the proposal would adversely affect the appearance of the building. They therefore concluded that it was in conflict with local and national policy.

5. In such cases as these the decision is one which is a matter of planning judgement. The Members were entitled not to accept the professional advice of officers so long as they were prepared to give planning reasons for the contrary view. Their decision was supported by the provision of a statement with the appeal.

6. The appellant chose to test the Council's decision through the appeal process, rather than preparing an alternative scheme. However, it will be seen from my decision that I was satisfied that the Council had substantiated its reason for

refusing the application, due to its harmful effects on the appearance of the building. The appellant has therefore not incurred unnecessary or wasted expense in so doing.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

I Dyer

INSPECTOR