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## Costs Decision

Site visit made on 5 February 2019

**by P B Jarvis BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 March 2019**

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### **Costs application in relation to Appeal Ref: APP/X1925/W/18/3214033 21 Sunnyside Road, Hitchin SG4 9JG.**

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
  - The application is made by Ricky Casalini for a full award of costs against North Herts District Council.
  - The appeal was against the refusal of an application for the erection of a one bed, 1½ storey dwelling following demolition of an existing redundant garage.
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### **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. This includes cases where development that should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, has been prevented or delayed.
4. The appellant considers that the Council has acted unreasonably in failing to acknowledge that the appeal site and environs has no special architectural or planning merit that should be protected and that the innovative design of the proposal would introduce distinctiveness.
5. The Council's officer report clearly sets out a description of the appeal site and its environs and, contrary to the appellant's view, reaches a different conclusion with regard to the quality of the character and appearance of the area, noting specific features that are considered to contribute to the local distinctiveness of the area. The Council also acknowledged the contemporary design but concluded that it would not be of sufficient quality or innovation to outweigh the harm to the local character that it had identified.
6. These are essentially matters of judgement that the Council is entitled to come to a view on. It is not unreasonable in the circumstances for there to be a disagreement on the assessment of character and the contribution that the proposal would make to that character. The Council is not obliged to accept the appellant's views on the matter but should provide sufficient evidence to substantiate their own views. I consider that this was done.

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

*P Jarvis*

INSPECTOR