

Enclosures List

Enforcement Appeal APP/M1710/C/24/ 3349196

Rebuttal Statement to the cost award response from the LPA.

Enforcement Appeal APP /M1710/C/24/3349196

Cost Award Application:

Appellants Response to the Cost Award Response by the LPA.

The Council's statement (Para 1.2) acknowledges....

The planning Practice Guidance (2014) states that costs may be awarded where:

a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

*The LPA contend at **paragraph 1.3** that throughout its dealings with the pre-application and planning enforcement action at 59 Hazleton Way, it has behaved reasonably towards Mr Bassett.*

At **Paragraph 1.6** the LPA state....

A full assessment was carried out including site visits by both the planning enforcement team and the planning officer to the site. As a result, the proposal when viewed in conjunction with the existing street scene the proposed storage shed, and cycle store were considered to be out of context with the area and street scene contrary to Policy CS 16.... The LPA is satisfied that the planning officer's advice was clear both to the issues considered and to those matters which led to the final recommendation.

The Council's conclusion that the claim for costs is without merit falling outside the scope of the of the advice in the Planning Practice Guides is manifestly incorrect. The LPA have not at any stage of the proceedings acknowledged the significant evidence provided to them by the appellant in the form of a **comprehensive planning statement** prior to them making the recommendation to the Head of Place to take formal enforcement action. The

full costs incurred in making the appeal were unnecessarily wasted and could have been avoided.

The aim of the costs regime is to encourage the parties to focus on the merits of the case that can be substantiated with evidence.

The key test will be whether evidence is produced on appeal which provides a respectable basis for the authority's stance, in the light of R v SSE ex parte North Norfolk D C 1994 [2 PLR 78].

It has been shown within the evidence provided to the Inspector by the appellant that the costs in making the appeal were necessarily and reasonably incurred in the appeal process.

The threshold test has been met in accordance with the advice within the Planning Practice Guides, accordingly, the Inspector is respectfully encouraged to make a full award of costs that have been unnecessarily incurred in making the appeal.

End of Statement.