

6. APPEALS UPDATE

6.1 PLANNING APPEALS LODGED

Planning appeals received by Dacorum Borough Council between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/00587/FUL	W/21/3284399	1 Box Lane, Hemel Hempstead	Hearing
2	4/02356/19/FUL	W/21/3285827	21/21A High Street, Hemel Hempstead	Written Representations
3	21/00737/FUL	W/21/3286001	40 Valleyside, Hemel Hempstead	Written Representations
4	21/00964/OUT	W/21/3286956	Marston Gate Meadow, Station Road, Long Marston	Written Representations
5	21/01961/FHA	D/21/3287227	Moorings, 13 Anglefield Road, Berkhamsted	Householder
6	21/02382/FUL	W/21/3287701	16 St Anthonys Avenue, Hemel Hempstead	Written Representations
7	21/02763/FUL	W/21/3287876	Burleigh, New Road, Chipperfield	Written Representations
8	21/02424/FHA	D/21/3288255	Four Trees, River Hill, Flamstead	Householder
9	21/02018/FUL	W/21/3288470	Stables At Flaunden Stables, Birch Lane, Flaunden	Written Representations
10	20/03227/FUL	W/21/3289126	The Plough, The Back, Potten End	Written Representations
11	21/03489/FUL	W/21/3289930	Land r/o 9 Chambersbury Lane, Hemel Hempstead	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	4/02759/18/DRC	W/20/3248338	Runways Farm, Bovingdon Airfield Upper Bourne End Ln.	Hearing
	Date of Decision:		22/10/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3248338			
	Inspector's Key conclusions:			
	<p>The main issues are therefore whether or not the management plan confirms the details for an acceptable noise environment and whether the time required for the re-submission of details by conditions should be extended.</p> <p>There are variations here to the types of noise and impacts. The Inspector for the 2018 appeal, at paragraph 54 of the decision, felt that the uses and the resulting 'the noise environment' were acceptable, subject to a management plan (MP). The MP must provide the basis to oversee and safeguard the character of the noise and maintain an acceptable noise environment, which the 2018 Inspector foresaw as its role, in paragraphs 56 and 57 of the decision letter.</p> <p>The MP makes reference to subjective judgements which a trackside supervisor would monitor. However, it does not provide any guidance or criteria against which the supervisor or site manager would make such judgements. Additionally, it also does not state when and how they should take remedial action. Consequently, I find that the MP would not provide sufficient clarity to allow effective subjective judgements. At the hearing, it was confirmed that the wording of the MP would allow for tyre squeal three times by each driver before being stopped. However, this could well be repeated three times during the day by each driver, which accumulatively would be substantial. Furthermore, the action to remedy such driving was also not stated in the MP. There is also inconsistency in the various paragraphs of the MP about the necessity to operate all or any of the 3 noise monitors and the implications for failure. Such inconsistency and indeed some of its wording would allow activity to take place without their operation. The MP does not provide a dedicated phone number for effected residents to contact the operators. The MP also states that the ongoing processes need to be reviewed. However, no mechanism is stated about the review process and how the measures would be capable of being enforced.</p> <p>Therefore, I find that the MP is too vague and needs clear measures on how to maintain an acceptable noise environment, reflecting the reason for the condition. Indeed, the planning permission in 2018 is not personalised to any specific operator. The MP would go with the permission for the use and could be inherited by another operator, who may not have the same experience or approach as Drift Limits.</p>			
	Contd. in next appeal box			

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	20/00559/ROC	W/20/3257756	Runways Farm, Bovingdon Airfield Upper Bourne End Ln.	Hearing
	Date of Decision:		22/10/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3248338			
	Inspector's Key conclusions:			
	<p>Contd.from previous appeal box</p> <p>Both parties agreed at the hearing that the MP has evolved considerably since its initial submission. The concerns described are capable of being addressed without prejudicing the existing operations. Therefore, the MP is capable of being amended and clarified which would then offer reassurance to the operators, the Council and local residents.</p> <p>The timescales in the suggested conditions in the appellants statement have either expired or were about to expire at time of the hearing. This means the operation would be in breach of those conditions. To allow for the operation to continue in the spirit of the 2018 permission and for the required details to be re-submitted and approved, these timescales need to be extended.</p> <p>As I have found in Appeal A the MP warrants review and an appropriate re-submission is wholly achievable with all parties working in co-operation. The 2018 Inspector considered that 2 months for submission was reasonable. Moreover, all the parties now have more experience of the detailed issues, which would help in the revision of the MP. Accordingly, I repeat this timescale.</p> <p><u>Note:</u> This appeal was neither allowed or dismissed; rather the conditions attached to the permission were varied to allow the operator a further opportunity to form an appropriate Noise Management Plan.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	4/02109/19/FUL	W/21/3273281	Land off Pipers Hill, Great Gaddesden	Written Representations
	Date of Decision:		02/11/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3273281			
	Inspector's Key conclusions:			
	<p>The main issue in this appeal is the effect of the fence upon the character and appearance of the surrounding area.</p> <p>The fence that is the subject of this appeal has been constructed to a significant height and of a weldmesh type. In consequence, the fence would have a design and form that would conflict with the traditional designs that are present elsewhere in the vicinity. In addition, whilst the fence would have views through it, its massing would be particularly perceptible. Therefore, the development is incongruous.</p>			

This is a concern given that the development is prominently located on account of the topography of the surrounding area and the proximity of the fence to the road. In particular, the fence is visible from the junction of Piper's Hill and Church Meadow. Furthermore, the fence has a significant length so is also visible from a significant number of dwellings in Church Meadow. In result, the development is experienced by a notable number of people, which renders it strident.

The development has enclosed the appeal site to a substantial degree. This conflicts with the presence of more open areas of land that is a feature of the surrounding area. In addition, other boundary treatments typically are of limited proportions. In result, the development of a long fence with a notable height conflicts with the generally open and more rural surroundings of the appeal site and is therefore incongruous.

I understand that the appeal site has been the venue for some anti-social behaviour. I have not been provided with full information regarding the frequency of events that have occurred. Moreover, I have not been provided with an assessment of other boundary treatments that have been considered and the reasons why they have been discounted. In consequence, I am unable to conclude that the scheme before me represents the only means of securing the site.

I therefore conclude that the development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

No.	DBC Ref.	PINS Ref.	Address	Procedure
4	20/02279/FUL	W/21/3269008	Land at The Street, Chipperfield	Written Representations
Date of Decision:			03/11/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3269008				
Inspector's Key conclusions:				
<p>The appeal site has a wide frontage and a depth that extends significantly beyond the plots of the dwellings that sit either side of it. Moreover, one of the proposed dwellings would be set deep into the site so that the proposal would appear as form of tandem development. Therefore, the proposal as a whole would not sit within a gap in a clearly identifiable built up frontage. I do not consider the appeal site to be surrounded by properties. Moreover, the proposed dwellings would not sit within a group of buildings. Moreover, while the proposal is for only two dwellings, these would be large properties with fairly large, detached garages. Consequently, due to the size of the proposed buildings and the proportion of the appeal site that the development as a whole would cover, I do not consider that it would be limited in scale. Consequently, I find that the proposal would not amount to limited infill in the Green Belt and would, therefore, comprise inappropriate development in the Green Belt.</p>				

<p>Due to the size and scale of the buildings and the proportion of the site that development would cover, the proposal would result in a spatial and visual change to the appeal site and its environs that would reduce the openness of the Green Belt. While the reduction in openness would be relatively localised it would, nonetheless, result in harm to the Green Belt.</p> <p>The appeal site is a surviving remnant of the former fields network and agricultural uses that would have been found in this area. The importance of the appeal site to the character of the CA, therefore, is also in the way that it informs the historic evolution of the village.</p> <p>The proposal by virtue of the size of the proposed buildings and the proportion of the appeal site that development would cover, would result in the unacceptable erosion of this important open space. It would, as a result of the scale, bulk and layout of the proposed development appear as an incongruous addition to the CA and would harm its character and appearance. As such, the proposal would fail to preserve or enhance the character or appearance of the CA. I find the harm to be less than substantial. The proposal would fail to preserve the setting of [the listed] Pale Farm and harm would be caused to its character and significance through unacceptable development in its setting. I find the harm to be less than substantial. The public benefits that would arise from the proposal do not outweigh the harm that would be caused to the heritage assets.</p> <p>I conclude that the proposal would not harm the living conditions of the occupants of Old Barn Cottage with regard to privacy and outlook.</p> <p>Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposal, and how it would reduce its openness. That harm, and any other harm resulting from the proposal, is not clearly outweighed by other considerations.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	21/01885/FHA	D/21/3279267	25 Georgewood Road, Hemel Hempstead	Householder
Date of Decision:			15/12/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279267				
Inspector's Key conclusions:				
<p>Whilst there is variation in scale and design generally, on the northern side of Georgewood Road, within the immediate vicinity of the host property, neighbouring dwellings typically have a single storey appearance, when viewed from the street scene. Whilst some of these properties have been extended, during my site visit I noted that they are predominantly consistent in terms of scale, particularly when viewed from the front.</p> <p>The proposed development would completely transform the appearance of the host property when viewed within the street scene. The roof would be raised, and a first-floor side and front extension would be incorporated over</p>				

the existing single storey wing. The combination of these design features would result in a dominant two-storey appearance which would interrupt the single storey pattern of development on this part of Georgewood Road.

In addition, given the proposed first-floor extension above the existing single storey wing, the proposed development would reduce the visual separation between the host property and 27 Georgewood Road. Whilst properties on this part of Georgewood Road are relatively close-knit, there is predominantly a clear visual separation between the roofs of these properties. This visual separation would be significantly diminished by the proposed development which would result in a harmful cramped appearance.

In summary, the proposed development would be incongruous and would result in a cramped appearance within the street scene. As such, it would not be in-keeping with the character and appearance of development on this part of Georgewood Road.

The proposed development would incorporate a raised patio to the rear of the host property. Given the sloping topography of the land, this patio would allow views into the primary rear garden space of No 23, over the existing fence which separates these properties. A planning condition to secure a privacy screen would not be acceptable in this instance. Indeed, given the height of the raised patio, a privacy screen in this location would result in an unacceptable overbearing impact upon occupiers of this neighbouring property. The proposed development would therefore result in an unacceptable loss of privacy to the occupiers of No 23.

No.	DBC Ref.	PINS Ref.	Address	Procedure
6	21/00506/FHA	D/21/3276969	Cloverleaf, Chapel Croft, Chipperfield	Householder
Date of Decision:			22/12/2021	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3276969				
Inspector's Key conclusions:				
<p>The proposal would result in additional floor space of approximately 117sqm. The roof's height would be approximately 0.5m above that of the garage and at approximately 6m in height, it would be more than double the height of that of the summerhouse. The width of the extension would stretch across a significant part of the summerhouse/garage building. The depth of the extension would be greater than that of the host building as well. The altered and extended building would enclose a significant sized swimming pool and hot tub area, and a first floor gym. On this basis, there would be a significant increase in the size, scale and bulk of the building which would be disproportionate. The construction of the annex would be inappropriate development [in the Green Belt] under the Framework.</p> <p>There would be a significant increase in the size of the summerhouse/garage which would result in the building extending closer to the existing dwelling. This would result in a loss of openness around the existing dwelling and summerhouse/garage. Public viewpoints are distant and therefore, the visual</p>				

loss of openness would be limited to residents close to the development. However, openness has a spatial as well as visual dimension which this development would harm by reason of its extent, irrespective of the lack of visibility. Thus, there would be a small harmful loss of openness within the Green Belt.
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/00563/FHA	D/21/3275428	23 Barncroft Road, Berkhamsted	Householder
	Date of Decision:		04/11/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3275428			
	Inspector's Key conclusions:			
	<p>The Council has not objected to the proposed rear extension or side garden/cycle store and from what I have seen I am satisfied that those parts of the proposed development are acceptable in terms of siting, size, scale, form and detail with regard to their impact on the character and appearance of the area.</p> <p>The proposed garage/home office block which would be attached to front of the garden/cycle store. It would project forward of the main wall of the dwelling by some 9m. At some 7m in length, it would be only slightly less than the side elevation of the dwelling (even taking into account the front projecting gable). Although the ridge would be some 2m lower than that of the main ridge of the house, it would have a length of some 5m which would result in an excessively bulky roof. The length and height of the proposal and in particular the ridge, would therefore result in a disproportionate addition to the dwelling. Any new planting would take some time to become established and, in any case, screening by planting does not provide justification for a disproportionate development.</p> <p>I conclude that by reason of its scale and height, the proposed garage/home office block would significantly harm the character and appearance of the dwelling and the area.</p> <p><u>Note:</u> This was a split decision. The appeal was allowed in relation to the single storey rear extension, but dismissed for the new linked double garage with home office over and attached garden/cycle store to side</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
2	21/00535/FUL	W/21/3274477	Land SW Rosewood, Shootersway Lane,	Written Representations

			Berkhamsted	
	Date of Decision:		26/11/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477			
	Inspector's Key conclusions:			
	<p>The surrounding environment is characterised by its verdant and spacious qualities, attributes that the appeal site makes a positive contribution towards in its current form.</p> <p>The proposal would introduce a detached dwelling between Rosewood and Ravels. Accordingly, it would substantially reduce the space between the existing properties. It would also replace the existing outbuilding with a structure with a marginally taller eaves and ridge height. Despite this, the siting of the proposed dwelling would be such that it would maintain a generous separation distance to Ravels. The building would also be set back from the road to the same extent as the houses either side. Accordingly, the principal building would have space about it in a manner commensurate to other nearby properties. As a consequence, I am satisfied that the siting of the main house would be sympathetic to the prevailing urban grain of the surroundings.</p> <p>The proposed outbuilding would increase the amount of built form on the appeal site. However, it is not uncommon in the locality for dwellings to have generous outbuildings located beyond them, and close to the highway. In my judgement, the proposal would not appear cramped. Instead, it would result in a form of development that would make good use of the site in a manner that would be suitably respectful to the established verdant and spacious surroundings.</p>			
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	21/01653/FHA	D/21/3280113	43 Green Lane, Bovingdon	Householder
	Date of Decision:		30/12/2021	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3280113			
	Inspector's Key conclusions:			
	<p>I consider that the main issues in this case are its effect on the character and appearance of the area and on the living conditions of residents.</p> <p>The proposed single storey extension would form a link between the front of the house and the existing garage, incorporating the existing front door. It would alter the balance of the existing house, but as this is not symmetrical I consider that this would not be detrimental to the character and appearance of the house. It would remain subservient to the main mass of the house and would be a relatively small infill element between the house and the garage which is set well forward of the house within the site.</p> <p>Although it would project beyond the front wall of the house it would not dominate the street scene because it would be set well back from the street</p>			

and largely hidden behind the bulk of the garage. It would not appear obtrusive in views from the street as it would only be partially visible in some oblique glimpses along the street. This is because the properties on either side are both sited forward of No. 43 and therefore would screen the proposal from view and additional screening would be provided by the substantial vegetation marking the side boundaries of the site. I conclude that the proposed single storey link extension would not harm the character and appearance of the existing house or the wider street scene.

The proposed first floor doors would replace an existing rear window. They would give access to a balcony which would be approximately 0.5m deep. Although this would be deep enough to stand on, it would not provide a realistic space for sitting out. I consider that the doors would not result in any greater overlooking and impact on the privacy of the neighbours on either side than the existing large window in the room. I conclude that the proposed doors would not harm the living conditions of neighbouring residents by reason of loss of privacy.

6.4 PLANNING APPEALS WITHDRAWN

Planning appeals withdrawn between 04 October 2021 and 31 December 2021.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 04 October 2021 and 31 December 2021.

None.

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/19/00513/NPP	C/20/3265457	Berkhamsted Golf Club, The Common, Berkhamsted	Written Representations
	Date of Decision:		29/10/2021	
	Link to full decision:			

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3265457>

Inspector's Key conclusions:

The land is used for the parking of vehicles associated with Berkhamsted Golf Club. The appellant has stated that the parking of vehicles, on this part of the overall site occupied by the golf club, has occurred for the last 40+ years. The length of time that the use has been occurring is not relevant to a ground (b) appeal. Nevertheless, the use of the land as a vehicle parking area has occurred and the ground (b) appeal must therefore fail.

Based on my observations and the evidence before me, in my judgement, the overall character of the use of the planning unit remains as a golf course and the incidental parking of vehicles use is still subsidiary to that primary use. In addition, in response to the appellant's ground (c) appeal, the Council have conceded that the use of the land for parking vehicles in this case would not be a material change of use in itself. Consequently, the use of the appeal site for the parking of vehicles associated with Berkhamsted Golf Club has not, on the balance of probabilities, resulted in a material change of use of the land. In this respect, the appeal on ground (c) succeeds.

The hardstanding has been constructed to provide a formalised overflow parking area for the golf club. Vehicles can be parked on that area for large parts of the day and I observed a number of vehicles parked on it at the time of the site visit. Parking spaces are not formally laid out on the shingle hardstanding but the submitted landscape plans³ indicate that it could accommodate about 35 vehicles. These plans assume vehicles would be parked in rows with circulation space between them. The parking of this many vehicles for large parts of the day will have had a spatial impact on the openness of the Green Belt as a matter of fact.

The creation of the vehicular parking area has and would have a limited effect on openness when compared to the previous situation. Therefore, the development does not preserve the openness of the Green Belt and it amounts to inappropriate development in the Green Belt.

The creation of the vehicular parking area has and would have a limited and localised harmful effect when compared to the previous situation. Therefore, the landscape and scenic beauty of the AONB is/would not be conserved or enhanced.

I consider that there is not a reasonable likelihood to indicate that any protected species were present on the site or potentially have been or would be affected by the development.

The golf course has been in existence for a substantial amount of time and provides sport and recreational opportunities for residents and visitors to the surrounding area. The grassed area between The Common and the formally laid out car park was being used for overflow car parking. The grassed surface was regularly damaged and muddy due to its use. I acknowledge that the grassed surface when churned up and muddy would not have been attractive in visual amenity terms. The golf club also provides employment

for 25 people, which increases in the summer months. However, the 2021 permission indicates that the vehicular parking area as constructed is not the only way to provide additional parking for the golf club. As such, this limits the weight I can give these matters. In my judgement the appellant is highly likely to implement the 2021 permission if the deemed application for planning permission is not granted. This constitutes a fallback position and in this respect it has considerable weight.

The 2021 permission is for an amended design of the vehicular parking area with associated landscaping. However, the reduction in the overall area of the hardstanding associated with the fallback position would mean that it would have an appreciably lesser impact spatially on the openness of the Green Belt. The reduction in the size of the vehicular parking area through the introduction of the curve and the central planter in combination with additional landscaping would also appreciably soften its visual and urbanising impact when viewed from the public realm in comparison to the scheme before me. As such, the 2021 permission would have a smaller impact on the openness of the Green Belt than the development before me. For these reasons, the 2021 permission would also have a lesser impact on the landscape and scenic beauty of the AONB. In these respects the fallback position attracts little weight in favour of the development before me.

I conclude that the appeal on ground (a) should not succeed. I shall refuse to grant planning permission on the deemed application.

The notice (as corrected) requires the complete removal of the materials used in the provision of the car park. I conclude that the requirements of the notice are excessive to remedy the breach of planning control. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) succeeds to that extent.

The appeal on ground (g) fails. (Time for compliance).

*Note: This appeal was part dismissed and part allowed.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 04 October 2021 and 31 December 2021.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 04 October 2021 and 31 December 2021.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2021 (up to 31 December 2021)

APPEALS LODGED IN 2021	
PLANNING APPEALS LODGED	61
ENFORCEMENT APPEALS LODGED	5
TOTAL APPEALS LODGED	66

APPEALS DECIDED IN 2021 (excl. invalid appeals)	TOTAL	%
TOTAL	59	100
APPEALS DISMISSED	30	50.8
APPEALS ALLOWED	16	27.1
APPEALS PART ALLOWED / PART DISMISSED	5	8.5
APPEALS WITHDRAWN	8	13.6

APPEALS DISMISSED IN 2021	TOTAL	%
Total	30	100
Non-determination	1	3.3
Delegated	25	83.3
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	4	13.3

APPEALS ALLOWED IN 2021	TOTAL	%
Total	16	100
Non-determination	0	0
Delegated	12	75
DMC decision with Officer recommendation	1	6.25
DMC decision contrary to Officer recommendation	3	18.75

6.10 UPCOMING HEARINGS

None.

6.11 UPCOMING INQUIRIES

No.	DBC Ref.	PINS Ref.	Address	Date
1	19/02588/MFA	W/21/3275429	Lilas Wood Wick Road Wigginton	tbc

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 04 October 2021 and 31 December 2021.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 04 October 2021 and 31 December 2021.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	21/00535/FUL	W/21/3274477	Land SW Rosewood, Shootersway Lane, Berkhamsted	Written Representations
	Date of Decision:		26/11/2021	
	Link to full decision:		https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3274477	
	Inspector's Key conclusions:			
	The appellant is of the view that in changing their assessment of the proposal between the issuing of pre-application advice and the submission of the planning application, the Council demonstrated unreasonable behaviour. In response, the Council point to the fact that pre-application advice is not binding on future decisions and that following the application, a more thorough site visit was undertaken.			

It is unfortunate that the position of the Council changed following the submission of the pre-application request. In seeking pre-application advice, the appellant could reasonably expect that this would give a degree of certainty for the outcome of a subsequent planning application. In my judgement, they have also presented a suitably substantiated case in support of their decision. Moreover, based on the evidence before me, I am satisfied that the change in position was suitably communicated with the appellant prior to the decision being made. The Council's decision was not based on vague, generalised or inaccurate assertions about the proposal's impact and there is nothing to suggest that had negative pre-application advice been received, an appeal would not have been pursued.

Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and that therefore an award of costs is not justified.