

6. APPEALS UPDATE

6.1 APPEALS LODGED

Appeals received by Dacorum Borough Council between 01 January 2025 and 07 March 2025.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	24/00320/OUT	W/25/3360073	Land North of Dixons Wharf, Wilstone	Public Inquiry
2	24/02896/RET	D/25/3361320	30 Kitsbury Road, Berkhamsted	Householder
3	24/01961/FHA	D/25/3361864	Little Paddock, Frithsden Copse, Potten End	Written Representations

6.2 PLANNING APPEALS DISMISSED

Planning appeals dismissed between 01 January 2025 and 07 March 2025.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	24/01355/FHA	D/24/3351890	Lyme Lodge, New Road, Chipperfield	Householder
	Date of Decision:		21/01/2025	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3351890			
	Inspector's Key conclusions:			
	<p>The development proposed is a first floor side extension with dormers and a two storey rear extension with dormers.</p> <p>The proposed extensions, together with extensions permitted in 1990, would, it is agreed between the parties, result in a dwelling with a floor area of some 263m². This would result in an increase over and above the original floorspace of well over 100% and possibly closer to 200%. Even allowing for some uncertainty as to what constitutes the "original dwelling" I consider that under any scenario the proposed increase in floorspace and the associated increase in volume would result in a dwelling that appeared substantially enlarged. The Council's policies do not define what would be considered disproportionate additions but in my view a cumulative increase that clearly more than doubles the size of the original dwelling could not be described as limited. Taken together the increases would therefore amount to disproportionate additions over and above the size of the original dwelling. It is concluded on the first main issue that the proposed development would amount to inappropriate development in the Green Belt.</p>			

Openness has a spatial and visual aspect. The appeal property lies adjacent to open countryside from which the rear extension would be clearly visible within the large rear garden of the dwelling. This, owing to its size and location, would have a moderate effect on both spatial and visual openness. The first floor side extension would be between the original roof of Lyme Lodge and the next door dwelling. It would therefore have a small but noticeable effect on the spatial openness of the Green Belt because it would infill much the gap at first floor above the existing single storey garage and adjoining single storey structures. However, its visual effect would be minimal because it would be substantially hidden from the open countryside by the proposed rear extension and would not be seen from public viewpoints other than from New Road, from where it would not appear out of place in the context of the street scene. It is therefore concluded on the second main issue that the proposed development would, overall, result in modest harm to the openness of the Green Belt.

I am not persuaded that the current proposal could be regarded as infilling.

The appellants refer to other extensions that have been permitted to dwellings in the Green Belt. However, none of these appear readily comparable with the appeal decision due either to location or other circumstances. In any case, each development must be judged on its own merits, which is what I have done.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	23/02640/FUL	W/24/3346139	Bag End, Hogpits Bottom, Flaunden	Written Representations
Date of Decision:			03/02/2025	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3346139				
Inspector's Key conclusions:				
<p>The development proposed is the subdivision of the land and change of use for the ancillary C3 pool house building, to create a C3 residential use, 2no. bedroom unit and private amenity.</p> <p>The main parties agree that the proposed development is not inappropriate in the Green Belt. Based on the evidence before me, I concur.</p> <p>The proposal would not introduce an additional building onto the site or result in the formation of a new access. In addition, the plot size would be broadly comparable with others and therefore would not appear cramped. Nonetheless, the use of the pool house as a fully independent dwelling would be readily apparent, with inevitable signs of separate occupation including additional comings and goings, extra parked cars, house signage, refuse/recycling bins, garden furniture and other domestic paraphernalia. Such changes to the appearance of the site, would result in a tandem form of development that would be at odds with the prevailing character of the immediate area and with the rural nature of this part of the village.</p> <p>The introduction of a dwelling to the rear of the frontage properties would not conserve or enhance the distinctive character of this traditional settlement, as</p>				

<p>it would not sit well with the predominant pattern of development in Flaunden. Overall, it would appear as an intrusive and discordant addition to the detriment of the character and appearance of the area.</p> <p>In reaching this conclusion I have had regard to Flaunden Park and to the dwellings that have been permitted adjoining Annapurna. Annapurna and the permitted dwellings are infill development as they are located between the frontage properties and Flaunden Park. Accordingly, whilst they form a component of the character and appearance of the village, they differ from the proposal before me, which is tandem and not infill development. Furthermore, as the appeal building is separated from Flaunden Park by open land it would not appear as forming part of that enclave. Thus, the existence of Annapurna and the permitted dwellings adjoining it would not assist in the assimilation of the proposal into its surroundings or reduce the harm that I have identified.</p> <p>I conclude that the proposal would have an adverse effect on the character and appearance of the area.</p> <p>The provision of a dwelling would make a very modest contribution towards meeting housing needs. Benefits to the local economy would also be small given the scale of the scheme. When taken together, such benefits of the proposal would not outweigh the harm that I have identified.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
3	23/01616/FUL	W/24/3347446	Aurora Hair And Beauty, 72 London Road, Hemel Hempstead	Written Representations
Date of Decision:			07/02/2025	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3347446				
Inspector's Key conclusions:				
<p>The development proposed is the construction of a residential studio at the rear of the building.</p> <p>The appeal site is in a mixed commercial and residential area on the busy London Road. There are no double yellow lines on this section of the road and there is space for cars to park adjacent to the pavement on one side of the street. There is residents' permit parking along some nearby side streets during much of the day. At my daytime site visit, although only a snapshot in time, there was little available space for parking on nearby roads and it was clear that there is on-street parking stress. The proposal would not include any car parking provision.</p> <p>The inclusion of a cycle store could encourage the use of sustainable modes of travel by future occupiers and the site is within a local centre with access to services and public transport. Nevertheless, it is some distance from central Hemel Hempstead and there is little evidence that car free development would be justified in this instance. The scheme would generate a need for an off-street parking space and, in the absence of such provision would exacerbate</p>				

<p>on-street car parking stress. As such, it would fail to accord with the SPD requirements. I conclude that the proposed development would fail to make appropriate provision for car parking.</p> <p>The proposed living area would face away from the neighbouring dwellings to the rear of the new building so it would not be overlooked by the occupants of adjacent flats. Further, a new fence would ensure that the proposed living area and rear garden would not be readily visible by the occupants of No 72 when using their garden. In addition, due to the proposed 1.8m boundary fence around a front grass forecourt and the short distance between this and the bedroom windows, there would be sufficient privacy for future occupiers when using their bedroom.</p> <p>There is no light survey, but due to the number and size of proposed windows and the position of the living area next to the reasonably sized rear external area, there would be an acceptable outlook for future residents and the residential studio would receive sufficient sunlight and daylight. Consequently, I conclude that the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook, privacy and light.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
4	20/03584/FUL	W/24/3349517	Land At Albion Hill, Hemel Hempstead	Written Representations
Date of Decision:			11/02/2025	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3349517				
Inspector's Key conclusions:				
<p>The development proposed is the construction of a building containing 3x two bedroom flats with amenity space.</p> <p>The proposal is for a three-storey flatted development on the corner. Whilst it would be below the adjacent dwelling level and lower than the multi-storey car park opposite, due to its height, scale and position, the proposed building would cause significant loss of the open character along this part of Wolsey Road. It would be particularly conspicuous and incongruous in views when travelling northbound on the one way street.</p> <p>There is a large four storey hotel on the other side of Albion Hill, but this is set back from Wolsey Road and its scale reflects the more predominant commercial character to the south. In contrast, the proposed flatted block would be very close to Wolsey Road and due to its mass and proximity to the car park opposite, the scheme would harmfully enclose this part of the street. Further, the introduction of a large structure in this location would interrupt the residential development pattern of dwellings facing Maynard Road with outdoor spaces occupying the area between the buildings and Wolsey Road. In this context, due to the amount of space occupied by the scheme, including its sizeable building footprint, the proposal would appear as a cramped form of development. Therefore, I conclude that the proposed development would harm the character and appearance of the area.</p>				

<p>An amenity area would separate the new flats from the adjacent rear gardens, with existing fences and new boundary planting ensuring no unacceptable overlooking of existing outdoor areas from the proposed ground floor flat.</p> <p>Urban back gardens are often visible from neighbouring first floor windows. However, in this case, the openings for the proposed upper floor living and kitchen areas would face the rear gardens at Nos 2 and 4, giving direct and oblique views of the neighbouring outdoor spaces from the main living areas in the new flats. Therefore, there would be a harmful loss of privacy to the occupants of Nos 2 and 4 when using their gardens.</p> <p>The proposed three storey building would be sited around 12.5m from the houses at Nos 1 and 2a and only a short distance from their small rear gardens. The Council and the appellant do not dispute that the scheme would retain a good standard of light for neighbouring occupants. Nevertheless, due to its height, mass and proximity to these adjacent properties, the proposed building would dominate the outlook from the modest back gardens at Nos 1 and 2a, causing an unacceptable sense of enclosure. Consequently, I conclude that the proposed development would harm the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.</p> <p>The scheme would make a modest contribution of three dwellings to the supply of housing, making better use of land with good access to services and public transport. It would contribute towards Dacorum Borough's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute modest weight to this benefit. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support local services. However, given the relatively small scale of the proposal, these benefits would be limited.</p> <p>In contrast, the proposal would harm the character and appearance of the area and the living conditions of neighbouring occupiers. These matters combined carry significant weight against the scheme. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole.</p>				
No.	DBC Ref.	PINS Ref.	Address	Procedure
5	24/00554/FUL	W/24/3348159	35 Belswains Lane, Hemel Hempstead	Written Representations
Date of Decision:			17/02/2024	
Link to full decision:			https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3348159	
Inspector's Key conclusions:				
<p>The development proposed is two new detached two-storey four-bedroom homes with private gardens, cycle stores, bin stores, associated garaging and parking spaces.</p> <p>The appeal scheme includes a pair of detached two storey dwellings located to the rear of No 35, accessed from Belswains Lane. The new houses would</p>				

be within an urban area surrounded by other residential properties. However, due to their position behind the row of dwellings fronting the street, the proposal would harmfully disrupt the visual consistency of the building line along this part of the lane. Although the development would be set back from the street, as there is a spacious gap to the side of No 35, it would be particularly discordant in views from the road.

Due to the small gap between the proposed dwellings, their substantial depth and two storey height, the scheme would appear as a cramped and bulky form of development, sitting higher than the existing property at No 35 and incongruous in views from Belswains Lane and adjacent properties. To minimise overlooking of neighbouring dwellings and gardens, the forward projections of the proposed houses would not have first floor front windows. The blank upper level frontage on the projections and the absence of symmetry for the proposed front openings would result in buildings which lack a cohesive appearance, at odds with the design of other dwellings in the locality. Consequently, I conclude that the proposal would harm the character and appearance of the area.

Due to the height and depth of this proposed dwelling and its proximity to the rear garden and habitable room windows at No 57, the appeal scheme would have an unacceptably overbearing impact on the occupants of this property when using their rear outdoor space and rooms.

Information showing overshadowing from the proposed houses at different times of the day in March, June and September has been submitted. This indicates that there would be loss of sunlight to much of the rear garden at No 57 during spring and autumn mornings. As this outdoor area already experiences significant overshadowing in late afternoons at these times of the year, the additional loss of morning sunlight would harm the living conditions of the occupiers at No 57 when using their rear garden.

There is little information before me outlining the impact of proposed garage A on the sunlight and daylight to the rear room and small garden at this adjacent property. In the absence of this, I cannot be certain that the proposal would not cause a harmful loss of light to the occupiers of No 33a when using their rear amenity space and ground floor room.

I conclude that the proposed development would harm the living conditions of the occupiers of 57 Newell Road, with particular regard to outlook and sunlight.

In this instance, the adverse impacts I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

No.	DBC Ref.	PINS Ref.	Address	Procedure
6	23/02646/FUL	W/24/3346304	Land to West of Orchard House, Astrope Lane, Astrope	Written Representations
Date of Decision:			15/10/2024	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3346304				
Inspector's Key conclusions:				
<p>The development proposed is residential development including formation of new houses, access, landscaping and all ancillary features. Diversion of footpath 53.</p> <p>The village of Long Marston is approximately 1km away from the appeal site, however, it is generally not well related with mostly open fields in between. Access to Long Marston by walking would be possible using Astrope Lane which has no footpaths and is unlit. There are also some public footpaths that follow the edge of the appeal site and could mean that a short section of the lane could be avoided. However, the public footpaths are also unlit and not surfaced which would mean that in adverse weather and in the dark that it would be an unattractive option for future occupiers.</p> <p>The appeal site does not provide suitable access to local services and facilities by foot. It is therefore likely that there would be a high reliance on the use of private cars to access facilities and services in larger towns which would not support the vitality and viability of Long Marston. I therefore conclude that the appeal site would not be an appropriate location for the proposed development because future occupiers would be reliant on the use of private vehicles to access facilities.</p> <p>The proposed development would sit well between the existing dwellings through the formation of a continuation of built form. The development would also be set back from the road and the dense trees and hedgerows that front the site would be retained which would maintain the open and rural character and appearance of the frontage. I therefore conclude that the proposed development would not harm the character and appearance of the area.</p> <p>I am satisfied that the implementation of the surface water drainage scheme could be secured through a suitably worded Grampian style condition. While it would be on land not in the ownership of the appellant, there is some chance of fulfilment through a Grampian style condition as this would require the provision of physical works before the main development is started or occupied.</p> <p>However, while I am satisfied the drainage scheme itself could be constructed, I am mindful that there is only an in-principle agreement from the adjacent landowner. As such, I cannot be sure that any future maintenance that would be required could be carried out. For the same reason, a condition requiring on-going maintenance once the development was occupied would fail the tests outlined in Paragraph 57 of the Framework. As such, I cannot be certain that an adequate surface water drainage scheme could be maintained for the</p>				

	<p>lifetime of the development. In this regard, the development would fail to provide adequate provision for surface water drainage.</p> <p>[Public footpath] No 53 is proposed to be diverted around the edge of the site so it would no longer run diagonally through it and while the length of this particular section would be extended, it would be a minor increase. Instead, the surfacing of the path and its connection with the proposed development would be beneficial to future residents and other users of the footpath as it would be easier to use. The lining of the footpath with fencing would only provide clarity on the route of the footpath and a sense of security for future occupiers of the development. In light of the enhancements proposed, I consider that the usability of the footpath would be generally improved for users.</p> <p>The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. This attracts substantial weight in favour of the development. The proposal would support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. The dwellings are also intended to be energy efficient with the use of photovoltaic cells and air source heat pumps which would attract some environmental benefits.</p> <p>In this instance, the benefits would not significantly and demonstrably outweigh the harm caused by the appeal site not being a suitable location for the proposed development as well as the potential to increase flood risk. As such, the proposal would not constitute a sustainable form of development in terms of the Framework. Consequently, when assessed against the Policies in the Framework when taken as a whole the benefits would not significantly and demonstrably outweigh the adverse impacts.</p>
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6.3 PLANNING APPEALS ALLOWED

Planning appeals allowed between 01 January 2025 and 07 March 2025.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	24/01156/FHA	D/24/3350346	12A Fouracres Drive, Hemel Hempstead	Householder
	Date of Decision:		21/01/2025	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3350346			
	Inspector's Key conclusions:			
	<p>The development proposed is a rear dormer.</p> <p>The proposed dormer would be set in from the side eave, down from the ridge and up from the first floor eave of the dwelling. Whilst it would occupy the majority of the rear roof slope of No 12A it would be lower than and subordinate</p>			

to the dwelling as a whole which includes a single storey rear extension. Moreover, it would be modest in the context of the roof of the overall terrace which contains Nos 10, 12 and 12A.

Whilst PD rights were withdrawn from No 12A on grounds of visual amenity, it does not explain why the proposed dormer would result in harm while a very similar structure was considered acceptable in 2019. Moreover, the appellant points out that similar dormers have been constructed on similar dwellings in nearby streets, including Fouracres Walk to the rear of the appeal dwelling. Taking all matters into account, I consider that the proposed dormer would blend with the character and appearance of the host dwelling and be compatible with development in the surrounding area such that it would cause no visual harm and would be acceptable.

Turning to highway issues, like many dwellings in the street, the frontage at No 12A has been paved to provide off-street parking. The dimensions allow for one full size parking space. The creation of off-street parking in the street and resultant dropped kerbs has led to a reduction in on-street parking availability which is not controlled. The appellant points out that the SPD makes clear that the standard is neither a minimum nor a maximum and that some flexibility may be applied. The SPD accepts that in some circumstances, such as where public transport and other facilities are readily accessible, lower parking provision can lead to lower levels of car ownership and use. In this case, the shortfall would be 0.5 parking spaces, the second bedroom would be small and the site is close to a bus stop and within walking distance of local shops and amenities. I therefore consider that, applying a flexible approach, one car space would be sufficient to serve the enlarged dwelling without placing undue pressure on the on-street parking nearby.

No.	DBC Ref.	PINS Ref.	Address	Procedure
2	24/00515/RET	D/24/3347024	The Farriers, River Hill, Flamstead	Householder
Date of Decision:			19/02/2025	
Link to full decision:				
https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3347024				
Inspector's Key conclusions:				
<p>The development proposed is conversion of garage to gym and office. Alterations to hard standing area. Retaining wall to front boundary. At the time of my visit it was apparent that the development had taken place, although I noted that what is on site is not fully in accordance with the appeal plans, as it is proposed to reduce the extent of hard standing and introduce an area of soft landscaping to the frontage. For the avoidance of doubt, my consideration of the appeal is as a proposed development, based on the scheme as it appears on the appeal plans.</p> <p>Based on the evidence before me, I consider that the garage is a building of permanent and substantial construction and its proposed re-use as a gym would not affect openness or conflict with the purposes of including land in the Green Belt. As such, this element of the proposal falls within the 154 h) (iv) exception and, as such, is not inappropriate development in the Green Belt.</p>				

The approved plans for the dwelling indicated that on plot parking was to be to its side. However, following the granting of planning permission and subsequent construction of a garage extension, such on plot parking would have been, inevitably, displaced to a position at the front of the property. Accordingly, whilst the extent of hardstanding on the frontage would be greater than that which was initially approved, the proposal is unlikely to materially increase the prominence and number of vehicles parked within the plot to the extent where the openness of the Green Belt would be affected.

Consequently, the proposed hardstanding would preserve the openness of the Green Belt. In addition, for the same reasons, the minimal changes would not result in encroachment into the countryside and, as such, there would be no conflict with any of the purposes of the Green Belt, as identified under paragraph 143 of the Framework. For these reasons, the proposal would not be inappropriate development within the Green Belt.

The proposal would extend the hardstanding, reducing the extent of soft landscaping at the front of the dwelling, and introduce parked vehicles directly adjacent to the front door. Whilst this represents a change within the plot, it is not an uncommon feature of more modern properties within and adjoining the Conservation Area (CA), including the dwelling next to the appeal site. As such, areas of frontage hardstanding are part of the character of the CA and its setting. In addition, the approved area of soft landscaping would not be completely lost, and the reduction in its overall size would be relatively small. In these circumstances, I do not consider that the proposed increase in the extent of hardstanding would result in harm to the CA.

Whilst the retaining wall would be visible in views along the adjoining public footpath, it would be low in height and would continue from the rear boundary fence of the adjoining property on Priory Orchard. The blue bricks that top the wall is not a material utilised in the construction of the dwelling, nor is it typical of this historic rural location. Nonetheless, it is found as an edging material to the hardstanding in front of the adjoining dwelling. It would not, therefore, appear as a discordant feature that would be harmful to the character or appearance of the CA. Given the above, I conclude that the character and appearance of the CA would be preserved.

6.4 PLANNING APPEALS WITHDRAWN / INVALID

Planning appeals withdrawn between 01 January 2025 and 07 March 2025.

None.

6.5 ENFORCEMENT NOTICE APPEALS LODGED

Enforcement Notice appeals lodged between 01 January 2025 and 07 March 2025.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	E/21/00125/ADV	F/25/3359759	Blue Court, 1 Church Lane, Kings Langley	Written Representations
2	E/24/00119/COL	C/25/3361818	Land To the Rear Of 22 Brook Street, Tring	Written Representations

6.6 ENFORCEMENT NOTICE APPEALS DISMISSED

Enforcement Notice appeals dismissed between 01 January 2025 and 07 March 2025.

None.

6.7 ENFORCEMENT NOTICE APPEALS ALLOWED

Enforcement Notice appeals allowed between 01 January 2025 and 07 March 2025.

None.

6.8 ENFORCEMENT NOTICE APPEALS WITHDRAWN

Enforcement Notice appeals withdrawn between 01 January 2025 and 07 March 2025.

None.

6.9 SUMMARY OF TOTAL APPEAL DECISIONS IN 2025 (up to 07 March 2025).

APPEALS LODGED IN 2025	
PLANNING APPEALS LODGED	3
ENFORCEMENT APPEALS LODGED	2
TOTAL APPEALS LODGED	5

APPEALS DECIDED IN 2025 (excl. invalid appeals)	TOTAL	%
TOTAL	8	100
APPEALS DISMISSED	6	75
APPEALS ALLOWED	2	25
APPEALS PART ALLOWED / PART DISMISSED	0	0
APPEALS WITHDRAWN	0	0

	TOTAL	%
APPEALS DISMISSED IN 2025		
Total	6	100
Non-determination	0	0
Delegated	5	83.3
DMC decision with Officer recommendation	1	16.7
DMC decision contrary to Officer recommendation	0	0

APPEALS ALLOWED IN 2025	TOTAL	%
Total	2	100
Non-determination	0	0
Delegated	2	100
DMC decision with Officer recommendation	0	0
DMC decision contrary to Officer recommendation	0	0

6.10 UPCOMING HEARINGS

No.	DBC Ref.	PINS Ref.	Address	Date
1	24/00330/MFA	W/24/3358032	Haresfoot Farm, Chesham Road, Berkhamsted	tbc
2	24/00781/FUL	W/24/3358181	1 Dale End, Box Lane, Hemel Hempstead	01.04.2025
3	24/00320/OUT	W/25/3360073	Land North of Dixons Wharf, Wilstone	tbc

6.11 UPCOMING INQUIRIES

None.

6.12 COSTS APPLICATIONS GRANTED

Applications for Costs granted between 01 January 2025 and 07 March 2025.

None.

6.13 COSTS APPLICATIONS REFUSED

Applications for Costs refused between 01 January 2025 and 07 March 2025.

No.	DBC Ref.	PINS Ref.	Address	Procedure
1	23/02646/FUL	W/24/3346304	Land to West of Orchard House, Astrope Lane, Astrope	Written Representations
	Date of Decision:		18/02/2025	
	Link to full decision:			
	https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3346304			
	Inspector's Key conclusions:			
	<p>Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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.</p> <p>The appellant's claim for costs relies on the basis that the Council requested additional information the day before planning permission was refused, made factual errors in the consideration of the application including not considering submitted information as well as not considering the application with due care and attention by making errors on the decision notice.</p> <p>The Local Lead Flood Authority (LLFA) provided comments to the Council beyond the statutory period. While frustrating for the appellant the comments were still received prior to the applications determination and therefore the Council must have regard to these.</p> <p>The Council provided the LLFA comments to the appellant late on the day before the application was determined. I appreciate that the appellant was not provided with time to address the comments, however, the Council made it clear that on the basis of the other reasons that the application would be refused, and the drainage concerns would be added to this.</p>			

The Council are required to determine the application on the basis of the information before them and it is at their discretion to request further information. In this regard, on the basis of the Council's other concerns, which would have been unlikely resolved by providing further information, I do not find it unreasonable for the Council to have not allowed further time to submit additional details.

Furthermore, it is also evident that details of drainage were missing from the application that could not have been resolved by a planning condition. Therefore, either through the application or appeal these details would have need to have been provided and as such, there has been no wasted expense.

It is clear from the Council's officer report that they considered the Hertlynx service, and I therefore do not find this aspect of the proposal has been omitted. I note that there appear to have been emails between the Council and highway officers in which precise details were not recorded in the officer's report, however, it is clear that the Hertlynx service would not have overcome the unsuitable location of the appeal site, and I have found the same.

The Council have made errors on the decision notice in regard to naming the wrong footpath proposed to be diverted as well as suggesting that the appellant sought pre-application advice before the applications submission, which did not happen. While these errors are noted, it is clear that the Council have considered the correct footpath and in relation to the pre-application advice, I note the confusion from the Council, but the fact pre-application advice was not sought by the appellant is not tantamount to the determination of the application.

Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.