

Appeal for costs on 13 Satchell Lane

Application Ref: H/24/97499

The appellant would like to make an appeal for costs associated with this application as they believe the council have acted unreasonably resulting in the additional costs and expenses of going to appeal for a third time.

As part of the first application H/22/94226 the appellant worked closely with the case officer to reach an agreeable scheme, this was subsequently refused following negative responses from the consultation process and the pre app advice which was followed was now deemed incorrect by the LPA.

The appellant sought to appeal this application as they had lost faith in the LPA decision making process and sought the independent advice/decision of the appeal inspectorate. Although the appeal was dismissed there was a comprehensive report which discussed various aspects of the proposals. Some elements the LPA had raised as concern were dismissed such as the rear extensions and the impact on the conservation area. This report provided a vital part of the new proposals and were referenced in the correspondence with the case officer during the second application H/23/95847. During this application the proposals were discussed at length, and we reached an agreeable solution with the design. However, an issue with regards to ecology remained as the works involved alterations to the existing roof. The appellant's agent discussed quite openly with the case officer that there were several routes forward.

Route 1: *Leave the application as it was originally, with the objection from the ecologist and take a refusal on that 1 reason. Then either seek an appeal or take the preferred option of undertaking the works to the roof under their permitted development rights with the guidance from their own ecologist who was confident that no bats would be endangered during the works. See appendix "Review of Phase 1 Bat Survey (PRA) from KJF ecology. Following the works to the existing roof being completed under permitted development, then apply for the extensions that fell outside of permitted development but would have been addressed and discussed in the previous application as creating no planning issues.*

Route 2: *Remove all alterations to the existing roof and secure permission for all other extensions, once the bat survey window opens, secure the necessary surveys to satisfy the council's ecologist and then apply for alterations to the existing roof.*

Whilst route 1 provided the quickest option available to the client they felt that they would rather work with the council constructively rather than try to work around and against them. Therefore route 2 was taken. The planning application, although having support from the case officer, ended up being refused by the committee and as such went to appeal anyway. The appeal was allowed.

The applicant has since carried out the further bat surveys which confirmed what KJF ecology had previously stated. The application for the new roof as previously agreed in the second planning application was submitted, but the case officer ended up retracting their written advice (see Appendix M). See attached email trail.

The applicant is now in a position where they have needed to go back to appeal for a 3rd time unnecessarily due to the failings of the LPA. Whilst case officer advice may be considered informal along with pre app, the fact the applicant has received advice from two different officers which has then subsequently not been followed at the formal application/decision stage is very disappointing. Had the case officer not indicated support for the proposals during the second application and

agreed to the suggested route forward it is likely we would have taken the 2nd application including the roof changes to appeal (or waited until the ecology information was available). It is now our belief that the applicant and their applications are not being treated in the same way that others are and are not being transparent with the advice given. All this advice from the LPA has either been incorrect or they have completely changed their mind and as such incurred significant extra costs for the applicant at every stage of this application.

Given the above and the previous history of poor planning advice on pre applications the LPA has failed to act reasonably and as such an award of costs should be made to the applicant. It is also strongly recommended that the LPA review their pre-app service and/or look at how case officers are offering advice as it is clear it falls below the standard expected for a competent LA.