

**TOWN & COUNTRY PLANNING ACT 1990(AS AMENDED) SECTION 78
APPEALS BY: FM, JM, AND MF GREEN (DITTON FARM);
LAND AT: BIDDLESTONE FARM, GARRENHILL ROAD, LLANGARRON,
HEREFORDSHIRE, HR9 6NT**

DRAFT APPLICATION FOR COSTS

- 1.0 This Application for Costs is made against the Local Planning Authority:
Herefordshire Council.
- 1.1 The Appellant contends that the LPA has behaved unreasonably in these cases and has, thereby, caused the Appellant to incur unnecessary and wasted expenses.
- 1.2 The unreasonable behaviour by the LPA manifested itself :
 - 1.2.1 Refusing Planning Permission unnecessarily and for unsubstantiated reasons and failing to consider whether the proposed development could have been rendered acceptable by the imposition of appropriately worded Planning Conditions.
 - 1.2.2 Reliance on inaccurate and unsubstantiated reasons for refusal. Thus, the framing of the Reasons for Refusal is noteworthy in that they do not assert specific demonstrable harm to interests of acknowledged importance; rather they contend that the Appellant has not demonstrated that there will not be harm. This, in relation to Applications where there was extensive pre- and post-application engagement by the Applicant with the LPA and other stakeholders, substantial *front-loading* of the Applications (augmented by post-application amendments and *supplementary* technical assessment, responding to specific issues identified by the LPA and consultees) in the form of thorough, relevant, professionally-prepared and authoritative technical assessments by a team with long experience of this type of development, wholly consistent with the guidance in Part 4 - ‘Decision-making’ - of the NPPF. This process ran over a period of four years from 2017 to 2021.
 - 1.2.3 Despite their clearly interrelated nature, the Decision Notices were ‘drip-fed’ to the Applicant over a period of 3.5 months, between 12 and 16 months after the last agreed supplementary material had been submitted, with only the shortest of notice that they were, after all to take a negative form.

The phased issue of the DNs has caused particular difficulty and expense for the Appellant in drawing up and submitting these Appeals.

- 2.0 The Appellant reserves the right to raise additional grounds for a cost award depending on the LPA's conduct through the Appeals processes.