
Costs Decision

Site visit made on 11 October 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 November 2016

Costs application in relation to Appeal Refs: APP/A1910/W/16/3151485 and APP/A1910/W/16/3152612

The Chilterns, 11 Covert Close, Northchurch, Berkhamsted HP4 3SR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Aneta Swierk for a partial award of costs against Dacorum Borough Council.
 - Appeal Ref APP/A1910/W/16/3151485 was against the refusal of planning permission for the demolition of existing dwelling and erection of 4 x 3 bed house with integral garages and amenity spaces.
 - Appeal Ref APP/A1910/W/16/3152612 was against the refusal of planning permission for the demolition of existing dwelling and erection of 3 x 4 bed houses, integral garage and amenity space.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The national Planning Practice Guidance (PPG) advises in paragraphs 29 and 30 that, irrespective of the outcome of the appeal, costs may only 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.
 3. The applicant submits that the Council has acted unreasonably with regards to paragraph 47 of the PPG by introducing fresh and substantial evidence at a late stage necessitating extra expense for preparatory work that would not otherwise have arisen. Specifically, the applicant refers to the Council's identification of highway and parking concerns in its appeal statement. Such concerns were not raised at the point the Council determined both planning applications.
 4. In its response to the applicant, the Council states that it did not introduce fresh or substantial evidence, but was responding to concerns raised by local residents with regarding to parking. In addition, the Council argues that reference to parking concerns in the appeal statement was limited to one paragraph. The Council also highlights that a third planning application (refused subsequent to the first two applications and now subject to a separate appeal) did include a reason for refusal relating to parking.
 5. While not fresh evidence, given the objections of third parties, the Council introduced a substantial concern to reinforce their original reasons for refusal
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for both schemes. I have not been presented with any change in circumstances to justify why the Council sought to raise parking concerns at this stage of the process. Objections from third parties regarding parking were known at the point the original applications were determined, but the Council considered the proposals complied with local planning policies regarding parking. By now raising concerns with an issue that was previously considered to be acceptable, and failing to provide adequate justification for doing so, the Council has thus behaved unreasonably.

6. The applicant in their final comments sought to address highway and parking concerns. However, these concerns have been raised consistently throughout the planning application and appeal processes by third parties. Therefore, the applicant would have needed to address such concerns even if the Council had not raised them and would have had to incur necessary costs.
7. As a result, although I find that the Council acted unreasonably in raising concerns with an issue that it previously considered to be acceptable without justification, there is no evidence that this caused unnecessary expense. Therefore, no award is made.

Tom Gilbert-Wooldridge

INSPECTOR