

Costs Decision

Site visit made on 17 January 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 06 February 2017

Costs application in relation to Appeal Ref: APP/A1910/D/16/3164611 75 Watford Road, Kings Langley, Hertfordshire, WD4 8DY

- 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 Mr Paul Young for a full award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for a drop kerb and crossover to gain access to the front of the property.
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Decision

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

Reasons

2. 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.
 3. The costs application by the appellant and the Council's response were submitted in writing. It is not therefore necessary to give these in any great detail.
 4. The appellant seeks a full award of costs for the appeal. He considers that the Council has been unreasonable in refusing the application because he had been led to believe it would be successful if he could demonstrate that all vehicles could enter and leave the site in a forward gear.
 5. In response, the Council identified that in determining the appeal it has given significant weight to the comments of the Highway Authority as a key statutory consultee. There is documented evidence to justify the refusal of the application based on that evidence. Advice was given both before the application and once it was submitted. The application was considered against local and national policies and other material considerations. The officer report is detailed, specific and accurate. The Council has not been unreasonable in regard to any procedural or substantive matters.
 6. The PPG identifies that parties in planning appeals normally meet their own expenses. The award of costs does not necessarily follow the event but as I have dismissed the appeal on its planning merits, it follows that it would not be justified to make a full award of costs.
 7. Furthermore, having considered all the evidence, I consider that the Council was fully justified in refusing the application. There was no lack of co-operation in assisting the appellant, but rather a circumstance where the appellant failed
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to satisfy the Council about the highway safety concerns. There is no reason to conclude that better communication would have avoided the appeal overall, although I acknowledge that the correspondence might have usefully highlighted that the Council would take into account the number of manoeuvres that turning might entail. That is not an omission that would justify costs being awarded against the Council.

8. The Council has exercised its duty to determine the application in a reasonable manner, and in such circumstances the PPG identifies that they should not be liable for an award of costs. It follows that I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Julia Gregory

Inspector