

---

## Costs Decision

Site visit made on 23 January 2017

**by D. M. Young BSc (Hons) MA MRTPI MIHE**

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

**Decision date: 21 February 2017**

---

### **Costs application in relation to Appeal Ref: APP/K1935/W/16/3159329 131 Chancellors Road, Stevenage SG1 4TZ.**

- 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 G Yahiya for a partial award of costs against Stevenage Borough Council.
  - The appeal was against the refusal of planning permission for the erection of a single detached house.
- 

### **Decision**

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

### **Reasons**

2. The *Planning Practice Guidance* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
3. Examples of unreasonable behaviour identified in the PPG include persisting in objections to elements of a scheme which an Inspector has previously indicated to be acceptable. The appellant's costs application is made on the basis that the Council failed to have due regard to the findings made in relation to the 2014 appeal<sup>1</sup>, particularly with regards to the alleged conflict with Policy H7. A partial award is sought on the basis that it should not have been necessary for the appellant to rebut this aspect of the Council's case.
4. The relevance of Policy H7 was dealt with unequivocally by my colleague in paragraph 4 of the 2014 decision. Indeed, having again considered the opposing arguments regarding Policy H7 of the Local Plan, I arrived at the same conclusion. The Officer Report omits to mention the previous Inspector's comments in relation to Policy H7 and also fails to highlight any change in circumstances since the 2014 decision.
5. In my view therefore and notwithstanding that I have found in the Council's favour with regards to the substantive merits of the case, I find that the Council has acted unreasonably by persisting in objections to a scheme which an Inspector has previously indicated to be acceptable.

---

<sup>1</sup> APP/K1935/A/14/2211627

---

6. However, the appellant's response to these matters is relatively straightforward and rests largely on the same arguments put forward in relation to the 2014 appeal and comments made by the previous Inspector. I do not consider it has involved significant additional work, or indeed anything beyond a short rebuttal within the Grounds of Appeal. It seems to me that, in reality, there has been so little extra work involved in responding to the Council's comments in relation to Policy H7 that there has, in effect, been no wasted expenditure.
7. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*D. M. Young*

Inspector