
Costs Decision

Site visit made on 17 November 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 22 March 2017

Costs application in relation to Appeal Ref: APP/Y1945/W/16/3153118 37 Bucks Avenue, Watford, Hertfordshire WD19 4AR

- 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 Clovercourt Fusion for a full award of costs against Watford Borough Council.
 - The appeal was against the refusal of planning permission for a modified access from Bucks Avenue/Sherwoods Road, hardstandings, landscaping and associated works.
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Decision

1. The application is dismissed.

Reasons

2. The Planning Practice Guidance 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 Council's evidence comprises the Minutes of the committee Meeting. These minutes detail the arguments put forward by both the applicant and third parties and a commentary by members on their objections leading to the Council's decision. For these reasons, the nature of the Council's objections to support their reason for refusal are clear and therefore the absence of a Statement of Case is not unreasonable.
 4. Members of the planning committee were advised by the County Council's Highway and Planning Departments that the proposed access design was acceptable. The departments took account of all submitted documents, Safety Audit reviews, third party documents and the applicant's own submissions. However, it is entirely within the remit of the Members to come to a different view from that of its professional officers as long as it produces relevant evidence to support its decision.
 5. Turning to the minutes, consideration was given to the submissions by the applicant, the highway authority, planning officers and third parties. It was acknowledged that there were differing opinions expressed by the highway consultant employed on behalf of a local environmental group. There is some scope for differing interpretation of relevant policies, guidelines and best practice. For these reasons, being persuaded by the third party's highway consultant is not an unreasonable action by the Council. Although I have reached a different view, the consultant's objections are evidenced by reference to the Manual for Streets and Roads in Hertfordshire. Accordingly,
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the Council's objections are not vague, generalised or inaccurate, and nor are they unsupported by any objective analysis. It has therefore substantiated its reason for refusal despite going against its own officers' advice.

6. Taking these matters together, I consider that the Council's decision was not unreasonable. As unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated, I conclude that an award of costs is not justified.

Jonathon Parsons

INSPECTOR