
Costs Decision

Site visit made on 27 January 2017

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: 29th March 2017

**Costs application in relation to Appeal Ref: APP/B1930/W/16/3160605
Hollyhouse, 38 Barnet Road, London Colney, St Albans, Herts AL2 1BG**

- 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 M Vijay Dooraree for a full award of costs against St Albans City & District Council.
 - The appeal was against the refusal of planning permission for the change of use from care home to residential multiple occupancy.
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Decision

1. The application is refused.

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. In my decision, I have found the proposal to be acceptable in terms of its effect on the living conditions of neighbours, having regard to privacy. The Council's suggestion that occupants associated with the previous use would have a confined existence is ill-founded. Nevertheless, it does not follow that the Council has acted unreasonably in general as privacy issues of this nature involve judgement. It has substantiated its arguments that the use of the private room rooms associated with the HMO would be different. Alleged harm arising from overlooking of second floor windows has been detailed and it has pointed to the differing characteristics of the individual rooms of a HMO compared to the bedrooms of a care home that are part of a supported framework or environment. Comparison of the previous and proposed use inevitably also involves some subjectivity as to their characteristics.
 4. The use of the building as a care home under Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) would not restrict occupation solely to elderly persons but the Council has not suggested this. There are no neighbour objections to the proposal but the lack of objection cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a long term permanence.
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5. In summary, 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. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

Jonathon Parsons

INSPECTOR