

Costs Decision

Site visit made on 28 March 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 25 April 2017

Costs application in relation to Appeal Ref: APP/C1950/W/16/3162765 50 Reynards Road, Welwyn AL6 9TP

- 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 John O'Conner (Grounds Maintenance) Limited for a full award of costs against Welwyn Hatfield Borough Council.
 - The appeal was against the refusal of planning permission for laying of new permeable hardstanding surface (planings) to open storage area (lawful use).
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Decision

1. This application for costs is refused.

Reasons

2. National Planning Practice Guidance (the PPG) advises that costs may 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 appeals process. Claims can be procedural – relating to process; or substantive – relating to issues arising from the merits of the appeal.
 3. The PPG states that costs may be awarded in circumstances including preventing or delaying development which clearly should be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 4. The appellant has applied for full costs on a substantive basis in that they consider that the Council have prevented development which clearly should have been permitted.
 5. The Development Management Committee decided to refuse the application contrary to the advice of their professional officers who produced a written report analysing the effects of the proposal. Whilst the planning committee is not bound to accept the recommendations of their officers, if their technical advice is not followed, then reasonable planning grounds for taking a contrary decision need to be provided, supported by relevant evidence.
 6. I recognise that consideration of planning applications often involves matters of judgement which at times can be very finely balanced. In this appeal the representations of local residents emphasised their concerns particularly regarding how improving the surface of the storage area would affect how the use operated.
 7. It was not, in my opinion, therefore unreasonable for the Development Management Committee where issues are finely balanced, to give substantial
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weight to objections received from local residents rather than the recommendations of its Officers to grant planning permission.

8. Whilst I have found against the Council I consider that the Council has provided a detailed appeal statement supported by relevant references to the National Planning Policy Framework addressing these matters in response to the appeal and given the Committees' concerns regarding the effects of the proposal have not therefore acted unreasonably.
9. I conclude therefore that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated. Accordingly, the application for costs fails.

Jo Dowling

INSPECTOR