

Costs Decision

Site visit made on 13 October 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 1 November 2017

Costs application in relation to Appeal Ref: APP/N1920/D/17/3179937 Land at 11 Christchurch Crescent, Radlett, WD7 8AG

- 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 and Mrs M Ross for a full award of costs against Hertsmere Borough Council.
 - The appeal was against the refusal of planning permission for a glass conservatory to side walled patio and first floor rear extension.
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Decision

1. The application for an award of costs 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. The appellant considers that the Council's reasons for refusal demonstrate a disregard for the advice provided by the Council's planning officer and that the planning committee failed to give any reasonable justification for their refusal.
4. I note that the Council's planning officer recommended the proposed development for approval. However, it is not a requirement of the Council's planning committee to accept, in full, their officer's recommendations.
5. Whilst I acknowledge that planning officers may possess professional planning expertise, planning committee members, as elected representatives of the community, may themselves possess relevant knowledge and experience that they can bring to bear in casting votes and making decisions. In this case, planning committee members did not agree, in full, with the officer's recommendation and they were free to come to their own conclusions in respect of the proposal before them.
6. It is clear from the relevant committee report that members considered the application and concluded that the proposal would result in harm to the living conditions of neighbouring occupiers. There is no substantive evidence before me to demonstrate that it was unreasonable for planning committee members to come to this conclusion. I note that, in considering the appeal before me, I reached the same conclusion.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR