



Costs Decision

Site visit made on 14 November 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 08 December 2017

Costs application in relation to Appeal Ref: APP/B1930/W/17/3179167 1 Mount Pleasant, St Albans AL3 4QH

- 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 Beechwood Homes Ltd for a full award of costs against St Albans City & District Council.
 - The appeal was against the refusal of planning permission for the demolition of the existing bungalow. Construction of one detached house and five town houses with parking, landscaping and all ancillary works.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) 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. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant submits that the Council have behaved unreasonably because (i) their appeal statement does not substantiate and justify the reasons for refusal and contains vague and generalised assertions about the impact of the design of the proposals which are unsupported by objective analysis; (ii) it is contrary to the advice of the planning officer; and (iii) has been unduly influenced by objections from members of the public.
5. The Council submits that it has not acted unreasonably and has substantiated its reasons for refusal in its decision and appeal statement. The application was recommended for approval at the Planning Committee, in line with pre-application advice and subsequently refused. However, considerations of planning applications necessarily involve matters of planning judgement and Local Planning Authorities are not bound to accept the recommendations of their officers, or be bound by pre application advice. Nevertheless, if officers' professional or technical advice is not followed authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence to support the decision in all respects.

6. As the applicant acknowledges, the Council is not duty bound to follow the advice of its professional officers. I have noted the recommendation of the Council's officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view. The Planning Committee was entitled to reason their planning judgement and in doing so was not unreasonable.
7. The Council had refused a previous planning application (5/2016/1566) for a similar scheme in August 2016. The reasons for refusal were identical and the appellant had an opportunity to submit a revised scheme which addressed these concerns. Consequently the views of the Planning Committee were reasonably foreseeable. The procedure of the Chairman using their casting vote to secure a resolution at the Planning Committee is standard practice and in no way amounts to unreasonable behaviour.
8. The Council is required to have regard to representations made by interested parties. There is no cogent evidence to substantiate the claim that the Planning Committee was unduly influenced by objections from interested parties. The Planning Committee is entitled to reach a planning judgement on the impact on the Conservation Area even though it did not accord with the conclusions of the Conservation Officer. I do not agree that the Councils has failed to substantiate its position or produce evidence to support its decision.
9. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. I therefore determine that the costs application should fail and no award is made.

Rachael A Bust

INSPECTOR