The Planning Inspectorate

Costs Decision

Site visit made on 28 January 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Costs application in relation to Appeal Ref: APP/Y1945/W/19/3239081
4 Kingsfield Road, Watford, Herts WD19 4PS

- 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 Miss G. Lightbody for a partial award of costs against Watford Borough Council.
- The appeal was against the refusal of the Council to grant planning permission for the partial change of use to 2 room House in Multiple Occupation (HMO) in existing mixed-use property (retrospective).

Decision

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

Procedural Matter

2. The Appellant's application for Costs does not confirm whether a partial or full award of Costs is sought. However, from the information before me I note that there are specific procedural grounds in relation to two of the Council's three refusal reasons. Accordingly, I have determined this application on the grounds that it is seeking a partial award for Costs.

Reasons

3. The Appellant submits that the Council has acted unreasonably in that it has determined the proposal incorrectly against the space standards set out in its Residential Design Guide which relate to self-contained dwelling units not Houses in Multiple Occupation (HMO). She also contends that by referring to inaccurate information on the Community Infrastructure Levy (CIL) form and the plans, the Council have acted unreasonably.

4. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

5. The PPG makes it clear that a local planning authority is at a risk of an award of costs if it has provided information that is shown to be manifestly inaccurate or untrue.

6. The Council has stated that the CIL form refers to the development as 6 studio/bedsit units rather than the 2 HMO units stated in the application form, whereas the plans annotate the floor layout as 'proposed', when in their view the development already commenced when they carried out their site visit.

However, it is not unreasonable of the Council to judge that there are features on site that are not reflected on the plans and submitted forms, at the time of their assessment.

7. I have not identified any apparent discrepancies between the CIL form and the submitted plans, despite reference to it in the Council's refusal notice. Yet, I do not consider that this matter has led to any additional expense on the part of the Appellant in preparing this appeal for submission.

8. The Council have used the space standards set out in their Residential Design Guide[1] and the national space standards[2], to assess the HMO units. I acknowledge that an HMO is not classed as a dwelling house in the Use Classes Order[3], however, it is a form of housing. Therefore, in applying its own and national internal space standards to the proposal they have judged, in my view, that these standards are more relevant. Whilst I have attributed greater weight to the Council's HMO guidance[4] in my assessment of the appeal, I do not consider that the Council's approach leads me to conclude that they provided information that is shown to be manifestly inaccurate or untrue.

9. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Local Planning Authority were not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I have concurred with the Council in so far as the space arrangements would harm living conditions.

10. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

R.E. Jones

INSPECTOR

[1] Residential Design Guide, Adopted July 2014, Amended August 2016
[2] Technical housing standards – nationally described space standard, March 2015, Department of Communities and Local Government
[3] The Town and Country Planning (Use Classes) Order 1987 (as amended)
[4] Watford Borough Council, Houses in Multiple Occupation (HMO) Amenity and Space Guidance to Landlords'