
Costs Decision

Site visit made on 10 March 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Costs application in relation to Appeal Ref: APP/B1930/D/19/3243816 Gardeners Cottage, Gustard Wood, Wheathampstead, Hertfordshire AL4 8RN

- 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 Wilson for a full award of costs against St Albans City & District Council.
 - The appeal was against the refusal of planning permission for development described as '1) refurbish the exterior of existing main house 2) provide a new west side loft dormer and 3) reconfigure two windows and the front door on the north elevation'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and where the unreasonable behaviour has directly caused unnecessary or wasted expense in the appeal process.
3. It goes on to explain that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to procedural matters or to the substance of the matter under appeal. Examples given of unreasonable behaviour include providing information that is shown to be inaccurate or untrue, and preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
4. The Council's officer report on the application indicated that the proposal would increase the existing volume of the dwelling by 128.61m³. As part of the appeal, the applicant argued that the increase in volume would actually be 8.37m³. While the Council accept that the volume increase stated in the officer report was incorrect, they advise that they do not wholly agree with the applicant's calculation. The Council have not advanced an alternative assessment for the volume increase, but from the information before me it seems that the correct figure is likely to be far closer to the much lower increase put forward by the applicant.
5. The applicant has suggested that if the volume of the extension had been calculated correctly, the proposal would not have been considered a disproportionate addition when measured against the total volume of the existing property, and permission would not have been refused.

6. Notwithstanding the quoted volume of the extension, the Council's report refers to the current proposal as a minor addition to the dwelling when compared to previous extensions. However, it advises that taken cumulatively with previous extensions, the proposal would still exceed guidelines on the size of extensions within the Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance 2004 (the SPG). This approach is consistent with the National Planning Policy Framework which establishes that determining whether a proposed extension would be an exception to inappropriate development in the Green Belt depends on whether or not it would result in disproportionate additions over and above the size of the original building.
7. Given the already considerable increase in the size of the dwelling over and above the original building on the appeal site, I am not persuaded that correctly calculating the volume of the extension would have led the Council to a different conclusion as to whether the development would be disproportionate to the original building. From the information before me, I therefore consider it likely that the Council would still have found the proposal to constitute inappropriate development in the Green Belt.
8. Moreover, while the volume calculation may have informed the assessment of the proposal, the Council's report acknowledges that guideline figures for the size of extensions within the SPG are not rigid limits, and that other factors are relevant. It goes on to consider also the visual impact of the proposed development on the Green Belt and the potential for harm to openness. Nothing in my reading of the Council's report suggests to me that the consideration of these aspects was tied to a quantitative assessment of the extension's volume.
9. While I acknowledge that the Council miscalculated the increase in volume of the dwelling, it is therefore clear that the decision was not confined solely to a numerical appraisal of the size of the extension proposed. Accordingly, I do not consider that the Council acted unreasonably in coming to the conclusion it did. The appeal could not therefore have been avoided, and so I do not find that the applicant has been put to unnecessary or wasted expense in the appeal process.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, for the reasons given above, the application for a full award of costs is refused.

J Bowyer

INSPECTOR