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## Costs Decision

Site visit made on 29 September 2020

**by Martin Chandler BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 October 2020**

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### **Costs application in relation to Appeal Ref: APP/B1930/D/20/3256258 105 Harper Lane, Shenley, Radlett WD7 9HG**

- 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 Arnold for a full award of costs against St Albans City & District Council.
  - The appeal was against the refusal of planning permission for a part single storey, part two storey rear extension.
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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 that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. The appellant contends that the Council refused planning permission using guidance as a rigid limit and therefore did not make an assessment of the impact of the proposal. Moreover, it is suggested that this is indicative of a pattern of decision-making by the Council.
4. Although there is reliance on the specific guidelines, the Council have exercised its professional judgement in relation to the effect of the proposal, concluding that the development would result in a disproportionate addition. This decision has been articulated in an objective and proportionate manner and whilst I have concluded differently, I am satisfied that the Council have substantiated their decision within the evidence before me. As a consequence, a perceived pattern of decision-making becomes immaterial because I am content that the Council have discharged their duties in an appropriate manner.
5. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

*Martin Chandler*

INSPECTOR