



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: 19 October 2020

Costs application in relation to Appeal Ref: APP/N1920/D/20/3256461 28 The Crosspath, Radlett WD7 8HN

- 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 & Mrs Taylor for a partial award of costs against Hertsmere Borough Council.
 - The appeal was against the refusal planning permission for proposed first floor side extension and façade changed from render/tile cladding to facing brick.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 is of the view that the Council have failed to substantiate its concerns in relation to lack of car parking with specific analysis or evidence. As a consequence, they consider that the concerns in relation to this matter to be inaccurate and untrue. Moreover, they are also of the view that due to the absence of analysis, the decision has been based on inaccurate assertions about the impact of the proposal.
4. In response, the Council state the proposal was duly assessed against the necessary car parking standards which found the provision to be deficient. However, as I have identified within my decision, despite this perceived deficit, the Council have failed to articulate any harm that may derive from this matter. In failing to do this, I am satisfied that the Council have failed to suitably substantiate its case and have not demonstrated that a deficit of parking spaces would give rise to material harm. The decision has therefore been based on inaccurate assertions and as a consequence, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that therefore, a partial award of costs is justified.

Costs Order

5. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended,

and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hertsmere Borough Council shall pay to Mr & Mrs Taylor, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to car parking considerations; such costs to be assessed in the Senior Courts Costs Office if not agreed.

6. The applicant is now invited to submit to Hertsmere Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Martin Chandler

INSPECTOR