
Costs Decision

Site visit made on 27 October 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2020

Costs application in relation to Appeal Ref: APP/Y1945/W/20/3252396 34 St Johns Road, Watford WD17 1QA

- 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 Nick Chada, AMC Capital Ltd for a full award of costs against Watford Borough Council.
 - The appeal was against the refusal of planning permission for change of use from dwelling house to 2 flats. 1 x 2 bedroom flats with garden and 1 x 3 bedroom flat with garden.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. The applicant states that the character of St Johns Road has changed, and that the Council has been inconsistent in contradicting a previous stated position that the amount of flat conversions on St Johns Road had changed the area into mixed dwelling types. The applicant states that three of the four proprietries in this vicinity would be conversions and also suggests that 3 of the reasons for refusal could have been overcome.
4. The Council state that they determined the application based on the submission. Additionally, it was determined in accordance with the Development Plan.
5. I have considered the evidence before me and have found that the proposed development would have an unacceptable effect on the housing mix of the area, contrary to development plan policy. Whilst I have had regard to the decisions cited by the applicant, they do not lead me to a different conclusion. I have not been made aware of all the particular circumstances in 2004 and therefore cannot conclude if all the circumstances are now comparable.

6. The Council determined the application in accordance with the Development Plan Policies and the material circumstances did not indicate otherwise.
7. I have also found harm in respect of the other main issues. Whilst those may be capable of being resolved that would have to be through a new planning application not the appeal process. The Council was within its rights to determine the application as submitted.

Conclusion

8. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR