
Costs Decision

Site visit made on 2 February 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Costs application in relation to Appeal Ref: APP/P1940/W/20/3259077 Shannon House, Station Road, Kings Langley WD4 8SE

- 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 SHM Property Consulting Ltd for a full award of costs against Three Rivers District Council.
 - The appeal was against the refusal of the Council to grant approval required under a development order for the prior notification: change of use from office (Class B1) to 64 residential units (Class C3).
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Decision

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

Reasons

2. Planning Policy Guidance 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.
3. The application essentially relies on the failure of the Council to rely on the advice of its expert consultee on matters relating to Highways. The Council then went on to refuse the application despite a recommendation of no objection from the consultee. The applicant also contends that the Council's decision was not supported by evidence to substantiate its decision.
4. The reason for refusal related to insufficient parking provision, which would consequently impact on highway safety. The Council was entitled to make an assessment on the proposal's parking provision and its effect as it is the parking authority for the area. Therefore, they, not the expert consultee, would need to be satisfied with the number of spaces proposed. In this case, and notwithstanding my conclusions in the appeal decision, the Council correctly assert that the proposal did not meet the on-site parking standards outlined in Policy DM13 and Appendix 5 of the adopted Local Plan.
5. Moreover, I am satisfied that the Council provided clear and detailed reasons to substantiate its decision, by referring to car ownership evidence in the District and the availability of on-street parking in the vicinity. They also considered whether conditions or a legal agreement could overcome the harm they identified. However, these mechanisms, in their view, would not prevent displacement of parking into the adjacent nearby roads and industrial estate.

6. Therefore, I 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, and having regard to all other matters raised, an award for costs is therefore not justified.

RE Jones

INSPECTOR