
Costs Decision

Site visit made on 10 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Costs application in relation to Appeal Ref: APP/Y1945/W/20/3254847 24 Cassiobury Park Avenue, Watford WD18 7LB

- 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 Patel for a full award of costs against Watford Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing detached house and construction of new detached house with accommodation within the loft space.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).
3. The applicant considers that there has been both procedural and substantive failings in the appeal, amounting to unreasonable behaviour by the Local Planning Authority which have resulted in an unnecessary appeal and therefore unnecessary and wasted expense in the appeal process.
4. In summary, the issues raised by the applicant relate to:
 - i) the timing of the Local Planning Authority's (LPA) submission of its appeal questionnaire and associated documents to the appellant;
 - ii) the status of the Council's list of locally listed buildings and the weight to attach to it;
 - iii) little reference to the local list in the Council's Statement of Case;
 - iv) failure to produce evidence to substantiate the reason for refusal – it is asserted that the LPA has not articulated what it considers to be the character of the street scene, and that characteristics identified in a Character Area Study are not discussed in detail in the Council Officer's Report;

- v) vague, generalised assertions about the proposal's impact, which are not substantiated.
5. I understand the LPA made an error in sending the appeal questionnaire and associated documents, on the deadline date of 15/09/20, to the company that completed the appeal statement, rather than the appellant. Apparently, once this had been drawn to its attention, 06/10/20, the relevant documents were forwarded to the appellant. I accept that this error resulted in the appellant receiving these documents later than they should have. However, I consider this did not prejudice the appellant in anyway nor result in any delays as regards the deadlines for all other appeal documents.
6. I explained in the appeal Decision Letter the status of the list of locally listed buildings and the weight to be attached to it.
7. Although the applicant considers there to be little reference to the local list in the Council's statement of case, the list is referred to in the statement. The content of a party's statement is a matter for them. Nonetheless, it is evident from the appellant's previous dealings with the Council that he was well aware of the list, ie engagement in pre application, a previous application, the process of including the appeal property on the local list and the planning application which has led to the current appeal.
8. Although the applicant considers the Council has not articulated what it considers to be the character of the street scene, again I consider this to be a matter of degree. The Officer Report and the Council's statement do outline, may be not as detailed as the appellant would have liked, what the Council considers to be the character of the street scene.
9. Finally, again, although not described in detail, the Council has stated what it considers the impact of the proposal would be and why it considers the proposed dwelling not to mitigate against the loss of the non-designated heritage asset.
10. Therefore, with reference to the applicant's reasons for making the costs claim, I consider that it has not been demonstrated that the Council behaved unreasonably in respect of any procedural or substantive matters associated with the appeal or the processing of the associated planning application. Consequently, there has not been any unreasonable behaviour which has caused the applicant to incur unnecessary or wasted expense in the appeal process, as described in the PPG. I therefore conclude an award of costs is not justified.

J Williamson

INSPECTOR