



Costs Decision

Site visit made on 22 March 2021

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Costs application in relation to Appeal Ref: APP/P1940/W/20/3260209 40-92 Grove Court, Grove Crescent, Croxley Green WD3 3JU

- 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 Thrive Homes for a full award of costs against Three Rivers District Council.
 - The appeal was against the refusal of planning permission for the demolition of Grove Court and the construction of 42 apartments (19 x 1 bedroom and 23 x 2 bedroom units), with associated parking and landscaping, cycle and refuse/recycling stores and shared access.
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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. At ID: 16-049-20140306 it provides examples of types of behaviour that may give rise to a substantive award of costs against a local planning authority. These include a failure to produce evidence to substantiate each reason for refusal on appeal; and providing vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant maintains that the Council's case lacks strong policy justification, demonstrable evidence, or reference to relevant planning case law to support its reason for refusal.
5. The Council's officer report ('OR') considered in detail, amongst other things, the impact of the scheme on the amenity of neighbours and parking availability on Grove Crescent. At paragraphs 7.6.10 to 7.6.14 it found that, as a result of this scheme, there would be an increased perception of overlooking of properties in Manor Way compared to the existing situation, and that the back-to-back distance to those properties would not fully comply with the standards at Appendix 2 of the Three Rivers Development Management Policies Local Development Document 2013 ('TRDMP').
6. At paragraph 7.6.18 the OR noted that the occupants of some Manor Way properties would experience greater noise and disturbance as a result of comings and goings in the proposed parking area adjacent to their rear gardens.

7. At section 7.11 the OR referred to the scheme's shortfall against the parking standards at Appendix 5 of the TRDMP; and paragraph 7.11.10 noted that, whilst Hertfordshire County Council as Highway Authority was supportive of the proposed parking provision, ultimately this was a matter of judgement for the District Council.
8. In my appeal decision, I have come to the same conclusion as officers that, given the particular circumstances here, the scheme would not give rise to a significant perception of overlooking of the Manor Way properties, or significant noise and disturbance to those occupants; and that the proposed parking provision would be sufficient to prevent a significant inconvenience to highway users.
9. However, these are matters of planning judgement on which councillors were entitled to exercise their own judgement, particularly having regard to the issues raised in the OR. The decision notice succinctly identified the harm that the Council considered the scheme would cause, and identified relevant development plan policies with which it was considered the scheme would conflict.
10. In its appeal statement the Council justified its stance on these matters, with reference to those policies, and to the minutes of the committee meeting which highlighted councillors' concerns. That statement referred to the scale of the proposed development, the fenestration in its eastern elevation and its proximity to the Manor Way properties; and explained why the scheme would result in a harmful perception of overlooking.
11. It also set out at paragraph 5.8 why the Council considered that the scheme would result in unacceptable noise and disturbance to the occupants of the dwellings in Manor Way, having regard to the location of the parking area, the number of vehicular movements, and the limited depth of those properties' gardens. Further explanation for the Council's concerns regarding the effect of the parking shortfall were set out at paragraphs 5.10 to 5.12 of its statement, with reference to the site's location on a bend and existing parking pressures.
12. Summing up, the Council's reason for refusal was clear and precise; it cited relevant development plan policies with which it considered the scheme would conflict; and, on these matters of planning judgement, it adequately substantiated its stance at appeal. It was not necessary for it to justify its approach with regard to relevant planning case law.
13. The Council has exercised its duty to determine planning applications in a reasonable manner. Consequently, whilst in my appeal decision I have reached a different conclusion from the Council, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Chris Couper

INSPECTOR