



Appeal Decision

Site Visit made on 8 March 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/Y1945/W/20/3255357

123 Whippendell Road, WATFORD, WD18 7NH

- 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 Kalpesh Lakhani for a partial award of costs against Watford Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of an existing dwelling into 2 self-contained residential flats.
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Decision

1. The application for costs is refused.

Reasons

1. The Planning Practice Guidance (PPG) 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
2. The application for costs relates to reason No 2 of the Decision Notice, which concerned the loss of a family unit within the street as a result of the proposed conversion to flats of No 123. The Council has accepted that reason 2 was not justified by evidence, which was flawed.
3. Whilst this is acknowledged, there were other reasons for refusal, which therefore suggests that even without Reason 2 the appeal would still have been the eventual outcome. Furthermore, whilst I note that Reason 2 has been addressed in the Statement of Case from the applicant, it has not been set out whether this led to any additional costs over and above that necessary otherwise to contest this appeal.
4. Therefore, whilst the Council demonstrated some unreasonable behaviour it has not been sufficiently demonstrated that this has caused unnecessary expense in this instance. As such, the application for partial costs is refused.

S Rennie

INSPECTOR

