



Costs Decision

Site visit made on 23 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2021

Costs application in relation to Appeal Ref: APP/B1930/W/20/3263080 6 Foxcroft, ST. ALBANS, AL1 5SP

- 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 Resource Maintenance Limited for a full award of costs against St Albans City Council.
 - The appeal was against the refusal of planning permission for construction of 1 no. three bedroom dwelling with garage, landscaping and associated parking.
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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 PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellants consider that the appeal was unnecessary and as a result of the Council's unreasonable behaviour in relation to its handling of the application. However, it will be seen from my decision that I have found that the development is unacceptable in terms of its effect on the living conditions of 8 Foxcroft. Consequently, the Council has not acted unreasonably by preventing a proposal which should have clearly been permitted.
5. The reasons have been adequately substantiated by the Council in its appeal statement. The appeal statement demonstrates how the proposal would result in an unacceptable form of development as it has made clear reference to the proposal's impact. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the St Albans District Local Plan Review 1994 that the proposal would be in conflict with.
6. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could

not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.

7. I have considered the other examples cited by the appellant and do not consider they demonstrate that the Council has acted inconsistently in its decision making, as I have identified a number of differences between those cases and the appeal scheme.
8. Having considered the transcript of the Planning Committee Meeting held on 7th September 2020, I acknowledge that there was no discussion about the lack of 5 year housing supply and the application of the tilted balance. However, the officers report to Committee did set out this position within section 8.2 and therefore members would have been aware of this in coming to their decision.
9. Turning to the point of whether the plan is up-to-date for the purposes of paragraph 11 of the Framework, I am content that policy 70, despite the age of the plan, does have a degree of consistency with the Framework and therefore the Council did not act unreasonably in relying upon this policy as part of its decision.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G. Pannell

INSPECTOR