The Planning Inspectorate

Costs Decision

Site visit made on 27 April 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2021

Costs application in relation to Appeal Ref: APP/K1935/W/20/3262084
8A Magellan Close, Stevenage SG2 0NF

- 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 Raymond Brownson (Hamburg Estates Ltd) for a full award of costs against Stevenage Borough Council.
- The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted. The application sought planning permission for the erection of 2 no. two storey three bedroom dwellings.

Decision

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

Reasons

2. 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.

3. The applicant contends that the Council acted unreasonably in assuming that the development would result in the loft spaces for each dwelling being used as bedrooms as they are intended to be used for other purposes and fail to meet the Space Standards[1] for bedrooms. It is argued that the Council's approach to this matter is inconsistent with its approach to determining whether garages constitute parking spaces. This is because the Council's Parking Standards[2] require garages to meet minimum standards to constitute parking spaces. It is also put forward that there is no evidence to substantiate the concern that more bedrooms would lead to highway safety and traffic flow issues.

4. The PPG indicates that councils will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal on appeal or provide vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. It also sets out that awards of costs may arise where councils do not determine similar cases in a consistent manner or persist in objections to a scheme which an Inspector has previously indicated to be acceptable.

[1] Technical housing standards – nationally described space standard, March 2015
[2] Parking Provision and Sustainable Transport SPD

5. I set out in the appeal decision that the loft spaces are large enough to be used as bedrooms. Although the spaces fall short of the Space Standards for bedrooms and are intended to be used for other purposes, there can be no certainty that they would not be used as bedrooms, especially as the occupiers may change over the lifetime of the development. It was thus reasonable for the Council to consider the implications of additional bedrooms at the site.

6. Direct comparisons cannot be drawn between the Council's approach to the proposal and its application of the Parking Standards as the subject matter is entirely different. I do not consider that the Council has acted inconsistently as argued by the applicant.

7. Moreover, the Council has been consistently clear in giving significant weight to the previous appeal decision[3] for a similar scheme at the site. Whilst I reached a different conclusion to the previous Inspector based on the evidence put to me and my observations on site, and the Council did not consult the Highway Authority, it was nevertheless reasonable for the application to be refused in the context of the previous appeal decision.

8. In conclusion, the Council has not acted unreasonably and the applicant has not been put to unnecessary or wasted expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Mark Philpott

INSPECTOR

[3] Appeal reference: APP/K1935/W/20/3244644