
Costs Decision

Site visit made on 15 June 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2021

Costs application in relation to Appeal Ref: APP/B1930/W/21/3270652 32 Cambridge Road, St Albans AL1 5LQ

- 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 J Murphy Developments for a partial award of costs against St Albans City & District Council.
 - The appeal was against the refusal of planning permission for the demolition of dwelling and garage and construction of three terraced dwellings fronting Cambridge Road and one detached dwelling fronting College Road with associated parking and access.
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Decision

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

Reasons

2. The 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.
3. It adds that examples of unreasonable behaviour by local planning authorities include:
 - failure to produce evidence to substantiate each reason for refusal on appeal; and
 - vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The fourth reason for refusal relates primarily to parking provision. I acknowledge that the area is largely residential in nature, and that a Parking Stress Survey and Transportation Assessment were submitted with the appeal. However, given the parking levels in the area surrounding the appeal site, and the shortfall of parking spaces that would arise from the scheme, the Council had reasonable concerns which were set out in the planning officer's report and appeal statement.
5. Accordingly, while I have come to a different finding with regard to this main issue, the Council has not behaved unreasonably with respect to the fourth reason for refusal.
6. Overall, although I have disagreed with some of them, 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 development plan that the proposal would be in conflict with, in their view. These reasons have been adequately substantiated in the Council's Written Statement submitted as part of the appeal.

7. Accordingly, I consider that the Council has not 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. The Applicant had to address those concerns and the evidence of third parties in any event.

Conclusion

8. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR