



Costs Decision

Site visit made on 23 November 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Costs application in relation to Appeal Ref: APP/B1930/W/21/3278317 1 Sandridgebury Lane, St Albans AL3 6DD

- 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 Spencer Martin (Chequer Lane Developments) for a full award of costs against St Albans City Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and construction of three detached dwellings with off-road car parking spaces.
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Decision

1. The application for a full award of costs is allowed.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and so caused the costs applicant to incur unnecessary expense in the appeal process. This application claims unreasonable behaviour by the Council in terms of (i) making vague assertions about the proposal, (ii) failing to follow correct procedures, and (iii) failing to give proper consideration of the proposal's benefits and therefore preventing development which should clearly be permitted.
3. The decision to refuse planning permission was made by the Council's Planning Development Control (South) Committee (the Committee) against the advice of its officers. The Council is not duty bound to follow this advice but it has to clearly demonstrate on planning grounds why a proposal is unacceptable and properly substantiate its reasons.
4. The Council's decision notice states the proposal would represent overdevelopment by reason of insufficient parking and inadequate space between the proposed dwelling unit 2 and the neighbouring property. However, the refusal reason is brief and fails to explicitly set out the reason why any concerns in these regards would cause harm. For example, it is unclear from the reasons given whether the Council's concerns relate to potential parking on the highway due to an insufficient parking area or to impacts on the living conditions of neighbouring occupants due to the proximity of the proposal. The reference to development plan policies fails to assist in ascertaining the nature of the Council's concerns as they cover a wide range of parking, design and layout issues. As such, the refusal reasons are equivocal and imprecise.
5. The Council's appeal statement sets out more detail on its concerns with the scheme. However, these include issues not covered by the refusal reasons such as failure to respect the established development pattern. Also, there is little

evidence to substantiate objections over the adequacy of the proposed parking. As such, the Council's case for the appeal to be dismissed fails to meaningfully reflect its refusal reasons.

6. The effect on the character of the area is a legitimate consideration in the assessment of the proposal. However, without good reason, the omission of such an explicit objection in the refusal reasons is unfair to the appellant, particularly when such concerns are raised by the Council in its appeal submissions. It should be expected that the appellant's decision to lodge an appeal would be influenced by the basis on which planning permission was refused by the Council. The appellant may have decided not to lodge an appeal if the full extent of the Council's concerns had been set out clearly on its decision notice. As such, I consider the vagueness of its refusal reasons represents unreasonable behaviour by the Council that has led to an appeal which otherwise may have been avoided. As such, the Council's actions has resulted in unnecessary costs to the appellant.
7. I am unconvinced from the evidence provided that the actions of officers and members at the Committee meeting represents a breach of procedures aimed at ensuring probity in planning. Also, for the reasons as set out in my appeal decision, I do not accept that the Council has refused planning permission for a development that clearly should have been allowed. However, for the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. A full award of costs is justified to cover the expense incurred by the appellant in lodging and contesting the appeal.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that St Albans City Council shall pay to Mr Spencer Martin (Chequer Lane Developments), the costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Jonathan Edwards

INSPECTOR