



Costs Decision

Site visits made on 13 September & 18 October 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/B1930/W/21/3275736

St Stephens Green Farm, Chiswell Green Lane, St Albans AL2 3NS

- 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 S Collins for a full award of costs against St Albans City Council.
 - The appeal was made under section 78 of the Town and Country Planning Act 1990 against a 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.
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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 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 highway authority changed its stance during the course of the application, resulting in delays in its processing, and ultimately objected to the proposal. However, this was in the context of additional information being submitted by the appellant and the Council seeking clarification with respect to certain aspects of the proposal. Moreover, although the highway authority stated that the issue was largely a planning matter and referred to sustainability in terms of the location of the appeal site, the Council were entitled to rely on parts of the advice given in forming their own view in respect of the overall merits of the proposal. Accordingly, the Council's behaviour was not unreasonable in relation to these matters.
4. Considering the content of the Council's Officer's Report, the Council provided clear and convincing reasons, which were substantiated by factual evidence, to support their denial of planning permission for the proposal. The Report made specific reference to information submitted in relation to highways impacts and the likely level of vehicular activity involved via the proposal, meaning that these factors were taken into account in their decision-making. Additionally, as explained in my appeal decision, although the proposal would not conflict with paragraph 111 of the Framework¹, it would have an unacceptable and harmful effect on the local highway network, in conflict with Policy 34 of the Local Plan².

¹ National Planning Policy Framework

² St Albans District Local Plan Review (adopted 1994)

Furthermore, the relevant part of Policy 34 is not inconsistent with the Framework. As such, the Council behaved reasonably with respect to the substance of the matter now under appeal.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR