



Costs Decision

Site visit made on 8 December 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Costs application in relation to Appeal Ref: APP/X1925/W/21/3275677 Land To The Rear Of Nos 61 And 61A Radcliffe Road, Hitchin SG5 1QG

- 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 Mike Adams for a full award of costs against North Hertfordshire Council.
 - The appeal was against the refusal of planning permission for conversion and extension of existing outbuildings to form two semi-detached 3-bed dwellings including creation of vehicular access off Radcliffe Road together with associated parking and amenity area.
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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 application essentially relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without adequate reason to do so.
4. In this case, I have carefully noted the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. The Council Members in this case were entitled not to accept the professional advice of Officers, so long as a case could be made for the contrary view.
5. It is clear from my decision that I do not agree with Council Members and that there were insufficient grounds for refusing planning permission, on the basis of impact on the availability of on-street car parking. However, I consider that the Council did put forward a robust case to substantiate their position.
6. Decisions regarding many planning matters rely on planning judgement. Notwithstanding the discussions the appellant had engaged in with Officers and the supporting information submitted with the planning application, I consider members of the committee exercised their planning judgement, which they are entitled to do, supported by appropriate reasoning and justification.
7. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

8. I therefore conclude that a full or partial award of costs is not justified.

Sian Griffiths

INSPECTOR