



Costs Decision

Site visit made on 25 January 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2022

Costs application in relation to Appeal Ref: APP/B1930/W/21/3282472 The Plough Public House, 32 Tyttenhangar Green, St Albans AL4 0RW

- 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 Brendan Cocoran for a full award of costs against St Albans City & District Council.
 - The appeal was against the refusal of planning permission for retention of 3 No. gazebos.
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Decision

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

Reasons

2. Planning Practice Guidance ('PPG') advises that, irrespective of the outcome of the appeal, costs may only 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's application for costs is based on the alleged unreasonable behaviour of the local planning authority ('LPA') and wasted expense, for the reasons considered below.
4. Paragraph: 050 Reference ID: 16-050-20140306 of the PPG states that: Where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
5. I am aware that previously extensions have been allowed at the appeal site. Irrespective, each application is determined on its planning merits. Also, the applicant's current proposal does not relate to extensions to the existing building and is therefore different. Indeed, different proposals can give rise to different issues and consideration, despite relating to the same site.
6. Accordingly, and on the basis of the information before me, there is no substantive evidence that the LPA has been inconsistent in its decision making in dealing with planning applications for the appeal site.
7. In determining planning applications LPAs are required to take account of any representations, including those from neighbours. The LPAs Delegated Planning Application report contains a summary of representations from neighbours and these along with other matters were assessed under the 'Main Issues' section of that report. In considering those issues the LPA had regard to local and

national planning policy and other considerations. Overall, the report provides an adequate assessment of the proposal, and the LPAs reason for refusal reflects this.

8. While some of the matters raised by neighbours reflect the reason for refusal this is not uncommon or unusual. Therefore, and in light of the above reasons and my findings on the appeal, I am not persuaded that the LPAs decision to refuse the applicant's planning application was solely as a consequence of neighbour objections.
9. Overall, there is nothing before me to suggest that the LPA did not determine the applicant's planning application in a reasonable manner.
10. Given all of the foregoing, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal
INSPECTOR