
Costs Decision

Site visit made on 28 July 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 August 2022

Costs application in relation to Appeal Ref: APP/K1935/W/21/3289356 56 Austen Paths, Stevenage SG2 0NR

- 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 Rob Staegemann on behalf of TIN Properties Ltd for a full award of costs against Stevenage Borough Council.
 - The appeal was against the refusal of planning permission for 'change of use from a 6-bedroom House of Multiple Occupation (HMO) Class C4, to a 7-bedroom HMO (Sui Generis), 3 x car parking spaces; 8-bicycle parking spaces, and location of 7-bin storage facilities to the rear driveway'.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate a reason for refusal, making assertions about a proposal's impact which are unsupported by any objective analysis and not determining similar cases in a consistent manner.
4. The appellant considers that their planning application was unfairly refused and the reason for refusal put forward by the Council was unnecessary and unjustified. The appellant also considers the Council acted unreasonably by ignoring supporting evidence and being inconsistent in their approach to similar applications.
5. The reason for refusal is set out clearly in the Council's decision notice, and further justification is provided in the Officer Report. The reason is consistent with the advice of the local highway authority and the provisions of national and local planning policy and guidance, which the Council has made explicit reference to in their decision.
6. The Council has clearly considered the findings of the submitted parking beat survey, as evidenced in their Officer Report. It is a matter of judgement for the decision maker as to whether this, along with other supporting information, are material considerations of sufficient weight to overcome any development plan conflict.

7. Furthermore, the example provided by the appellant to demonstrate inconsistency in the Council's approach to decision making would appear to be materially different from the appeal case. There is therefore no compelling evidence before me to demonstrate the Council has not determined similar cases in a consistent manner.
8. It will be seen from my decision that I agree with the Council's judgement and consider that there were sufficient grounds for refusing planning permission based on the lack of adequate provision within the site for car parking and harm to highway safety. The scheme is contrary to the development plan, and there are no material considerations that would justify a departure. It follows that I am satisfied that the Council can substantiate this reason for refusal.
9. I therefore cannot agree that the Council has acted unreasonably in respect of this matter. As such there can be no question that the appellant was put to unnecessary or wasted expense as a result.

Conclusion

10. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR