



Costs Decision

Site visit made on 2 August 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Costs application in relation to Appeal Ref: APP/B1930/W/22/3296314 16 Townsend Lane, Harpenden AL5 2QE

- 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 & Mrs Jelfs for a full award of costs against St Albans City Council.
 - The appeal was against the refusal of Replacement of 3 bedroom house with new 5 bedroom house and associated landscaping.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) explains how costs may be awarded against a party who has behaved unreasonably, and thereby directly caused another party to incur unnecessary expense at appeal.
3. Paragraph 49 of the PPG makes clear that local planning authorities are at risk of an award of costs if they prevent or delay development that should clearly be permitted, fail to produce evidence to support each reason for refusal on appeal, or make vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. The applicant's case for a full award of costs is that the Council issued an unsubstantiated refusal contrary to the recommendation of its planning officers.
4. I acknowledge that the Council's Planning Committee determined that planning permission should be refused, contrary to the officers' recommendation. Whilst the Planning Committee is not duty bound to follow the advice of its officers or consultees, if a different decision is reached the Council has to clearly demonstrate why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. The Council's reason for refusal clearly sets out its concerns: *'By reason of the proposed design, scale and bulk, the proposed replacement dwelling would fail to preserve or enhance the appearance of the Conservation Area. The works would result in less than substantial harm and there are no public benefits apparent in this case that would outweigh the harm identified. The scheme would thereby be contrary to Policy 69 (General Design and Layout), Policy 70 (Design and Layout of New Housing) and Policy 85 (Development in Conservation Areas) of the St Albans District Local Plan Review 1994, Policy ESD1 (Design Strategy) and Policy ESD2 (Local Character and Heritage of the*

Harpenden Neighbourhood Plan 2019 and the National Planning Policy Framework 2021'

6. These reasons for refusal are clearly supported by the Council's appeal statement. Having regard to this, the reasons for refusal and the other information before me, it is clear to me that the Council has not disregarded local or national policy. Moreover, the decision taken is supported by the policies referred to in the reasons for refusal.
7. Whilst the applicant sought to address matters of demolition, the scale, bulk and design and whether there was harm to the conservation area in support of their submission, Council members were entitled to take an opposing view. On the basis of what is before me, I am satisfied that this judgement was exercised reasonably. For these reasons the refusal was not unsubstantiated.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Martinson

INSPECTOR