
Costs Decision

Site visit made on 12 July 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022

Costs application in relation to Appeal Ref: APP/X1925/W/21/3289940 Land between Croft Lane, Norton Road and Cashio Lane, Letchworth Garden City, Hertfordshire

- 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 Hertfordshire County Council for a full award of costs against North Hertfordshire District Council.
 - The appeal was against the refusal of an application for planning permission for residential development of up to 42 dwellings, all matters reserved apart from access.
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Decision

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

Reasons

2. Planning Practice Guidance (the Guidance) advises that 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 expenses in the appeal process.
3. The application for costs concerns the Committee's decision to overturn the officer's recommendation to grant planning permission. This is despite the comments of the Highway officer who had no objection to the appeal scheme. The applicant states that Council Members took a different course without adequate reason to do so.
4. Planning Practice Guidance indicates that local planning authorities will be at a risk of an award of costs being made against them if they fail to produce evidence to substantiate the reason for refusal.
5. In this case, I have noted the officer's recommendation. However, the decision is one which is a matter of judgement. The Minutes of the Committee meeting indicate that several members interrogated the applicant and the second deferral was made to secure the comment of an officer from the Highway Authority despite the written evidence before them. They made their own judgement that planning permission should be refused following the receipt of additional information in respect of traffic calming which they had requested following the second deferral.
6. I am satisfied that the Members had sufficient evidence to inform a counter view from that of the officers in this case. Despite the site's allocation in the emerging plan and the housing land supply position Members were entitled to take an opposing view.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant has been put to unnecessary or wasted expense.

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 in this case.

Stephen Wilkinson

INSPECTOR