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## Costs Decision

Site visit made on 30 September 2022

**by R Jones BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 October 2022**

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### **Costs application in relation to Appeal Ref: APP/B1930/W/22/3296096**

- 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 Jarvis Homes Ltd for a partial award of costs against St Albans City and District Council.
  - The appeal was against the refusal of planning permission for erection of 3 detached dwellings
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) 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. The applicant's case is that the Council has behaved unreasonably with respect to the substance of the highway safety matter raised in the single Reason for Refusal.
3. I acknowledge that the Council's Planning (Development Control) Committee North (the Committee) determined that planning permission should be refused contrary to the officer's recommendation, and that the County Highways Authority did not object to the application. However, I have been provided with the transcript of the Committee meeting and whilst difficult in places to follow (being auto-generated), it is evident that there was a full discussion and debate about parking between Members. It was also one of the principal concerns of the occupiers of No.3 Osprey Close who presented to the Committee on behalf of all residents of the cul-de-sac and provided anecdotal evidence about the existing parking arrangements and the use of Osprey Close by visitors, service and delivery drivers.
4. Whilst the Committee is not duty bound to follow the advice of its Officer's 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. The Committee's concern regarding parking provision is clearly framed in the Reason for Refusal with reference to the shortfall of provision against policies 39 and 40 of the St Albans District Local Plan Review, 1994. I also found the Reason for Refusal to be supported by the Council's appeal statement.

5. The applicant has drawn my attention to the earlier appeals for the first two phases of the development of Osprey Close where the Inspector in both cases concluded that no significant issues would arise should there be any overspill on-street parking. These decisions date from 2012 and 2015 and the propensity for on-street parking in the area could reasonably have changed in the intervening period of time, as would the experiences of the occupiers of Osprey Close.
6. Therefore, whilst I acknowledge that the applicant incurred additional cost in commissioning a parking 'stress' survey to robustly defend the Reason for Refusal, I do not find this to be an unnecessary or wasted expense. Council Members were entitled to take an opposing view to Officers and, on the basis of the evidence before me, I am satisfied that their judgement was exercised reasonably.

### **Conclusion**

7. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, a partial award of costs is not justified.

*R. Jones*

INSPECTOR