
Costs Decision

Site visit made on 31 October 2022

by A Berry MTCP (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Costs application in relation to Appeal Ref: APP/Y1945/W/22/3300695 Flat 1, 25 Park Road, Watford WD17 4QW

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Powell for a full award of costs against Watford Borough Council.
 - The appeal was against the refusal of planning permission for the parking on the front of 25 Park Road.
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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 causes the party applying for costs to incur unnecessary expense in the appeal process.
3. The application relies on the fact that the Council refused the planning application against a different set of objections; the Council's reasoning in relation to refusing the planning application is not justified; and the time taken by the appellant to review the relevant documentation to make the appeal.
4. PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. From the evidence before me, it is unclear precisely how the Council refused the planning application against a different set of objections. However, the reasons for refusal set out in the decision notice are complete, precise, specific, and relevant to the application. They also clearly state the policies of Watford's Local Plan Part 1 - Core Strategy 2006 - 31, adopted 2013 that the development would conflict with. The reasons have been adequately substantiated by the Council in its Officer Report, which details how the Council considers the proposed development would result in harm to the character, appearance and significance of the Nascot Conservation Area and why the proposal would not encourage the use of sustainable transport modes.
6. Whilst I appreciate that the Council's decision will have been a disappointment to the appellant, the local planning authority were not unreasonable in coming to that decision. Furthermore, following consideration of the application on its merits alone, I have concurred with the Council.

7. The time taken to defend the appeal was not borne out of the unreasonable behaviour of the Council and therefore the appellant did not incur unnecessary expense in the appeal process.

Conclusion

8. I therefore find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated.

A Berry

INSPECTOR