
Costs Decision

Site visit made on 7 February 2023

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 14 February 2023

Costs application in relation to Appeal Ref: APP/B1930/W/22/3308414 55 Necton Road, Wheathampstead, AL4 8AT

- 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 Garadice Developments Limited for a full award of costs against City of St Albans.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for
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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 expense in the process.
3. The application for a full award of costs is made on the following grounds:
 - the Council has been unreasonable, being unhelpful in not meeting requests for additional information within the statutory eight week period for the determination of the application,
 - the Council did not give an assurance that it could consider the amendment for the proposed parking layout which had been accepted by the Highways Authority.

In so doing it has prevented development which should have clearly been permitted.

4. In response the Council state that the applicant could have sought pre application advice from both the Highways Authority and its Planning Service.
5. Furthermore, the extent of the proposed changes to the parking layout could not be considered as amendments to the submitted scheme and for this reason the application was determined with the original parking layout. Guidance allows for the Council to exercise its discretion in this regard.

Conclusions

6. The application is concerned with the management of the application. Whilst I acknowledge that these matters led to the appeal being lodged over non

determination, the application for costs does not question the substance or the processes involved in the Council's management of the appeal.

7. The appellant, due to concerns over the efficacy of the Council's planning processes did not seek pre application advice. If this had been taken p then the issues regarding the proposed parking layout could have been addressed in advance of the submission of the application.
8. I have not been provided with a clear timeline of all events. However, the applicant lodged the appeal on 6 October 2022 following the receipt of the advice from the Highways Authority, received on 28 September 2022, that it had no objection to the revised parking layout. It is unclear whether the planning case officer had seen the revised drawing and these comments between these two dates as it seems they had not been copied into correspondence.
9. The applicant refers to doubts as to whether the Council would accept or not the revised scheme (paragraph 6), when the appeal was lodged. The decision to lodge the appeal was based on frustration with the Council's development management processes.
10. Although the Council in its response to this application states that in exercising its discretion in line with the Guidance it would not have accepted the revised layout this would appear to have been unknown to the applicant at the time of their decision to appeal.
11. Whilst I recognise the applicant's frustration with the process the Council has not behaved unreasonably.
12. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance has not been demonstrated.

Stephen Wilkinson

INSPECTOR