



Costs Decision

Site visit made on 28 June 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Costs application in relation to Appeal Ref: APP/B1930/W/22/3310333 11 Beresford Road, St Albans AL1 5NW

- 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 Mrs Afriza Begum for a full award of costs against St Albans City Council.
 - The appeal was against the refusal of planning permission for 3 bedroom flat on ground floor and 4 bedroom flat at first and second floor.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The applicant has submitted an invoice for the full cost of preparing the appeal, it is therefore presumed they are making a claim for a full award of costs against the Council.
4. The applicant has not substantiated their reason for their cost application. However, a letter was sent by the applicant to the Council dated 31 October 2022, which informed the Council of the applicant's intention to appeal the refusal of planning permission. Within this letter the applicant asked the Council to reconsider the application at committee as there were no material grounds on which the proposal should be refused, and it was against the advice of the planning officers. In the absence of further information, I have assessed the applicant's claim for cost on the above basis.
5. Whilst I note the recommendation of the Council Officer, the decision is one of a matter of judgement. The Council Members were entitled not to accept the professional advice of the Officer, so long as a case to the contrary could be substantiated.
6. The Council substantiated its reasons for refusal which are clear and concise and based on planning merit, they also identified where they believe it conflicts with the development plan. In considering the application, the Council identified relevant, and adopted, Development Plan policies and assessed the development against these policies. In addition, the Council identified harm arising from the breaches of these policies.

7. The Council Members were suitably made aware of the applicant's submission, and I have not been presented with evidence that suggests the Council Members did not consider this when making their decision.
8. As a result, I cannot agree that the Council has acted unreasonably in this case. As such, the Applicant did not incur unnecessary or wasted expense because of the Council's actions. Although assessment of costs and the merits of a scheme are different judgements, given that I have dismissed the appeal I cannot concur with the kernel of the appellant's position that the scheme should clearly have been allowed.¹

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Hobbs

INSPECTOR

¹ An example of where unreasonable behaviour may legitimately justify an award of costs as set out in Planning Practice Guidance Reference ID: 16-049020140306.