



Costs Decision

Site visit made on 23 April 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.05.2024

Costs application in relation to Appeal Ref: APP/B1930/W/23/3327658 6 Cherry Tree Lane, Wheathampstead, Hertfordshire AL4 8HP

- 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 Mr & Mrs A Kirby for full award of costs against St Albans City & District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for "Additional first floor added, changes to fenestration".
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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 application for an award of costs is made on procedural grounds, on the basis that the Council did not reach a decision on the application in a timely manner. The PPG states that, in any appeal against non-determination, the LPA should explain its reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.
4. The Council acknowledges that it had experienced a backlog of planning applications, which led to a delay in determining the application. I am satisfied that the Council was upfront about the reasons for the delay and that it proactively sought to keep the applicant informed about the likely timetable for a decision. However, whilst I recognise the resourcing challenges faced by the Council, it is plainly not satisfactory that very little progress had been made on the application many months after it was initially submitted and validated. This amounts to unreasonable behaviour by the Council.
5. The Council's unreasonable behaviour has led to uncertainty for the applicant, including when making important personal and financial decisions. However, in order for an award of costs to be granted, the unreasonable behaviour must have resulted in unnecessary or wasted expense being incurred by the applicant in the appeal process.
6. In that regard, the Council has set out its position on the application in its appeal documents and has provided clear, precise, specific and relevant reasons why it would have refused the application. Therefore, if the application

had been determined and the applicant wished to seek an alternative outcome, they would have needed to submit an appeal in any case. Therefore, I am satisfied that no unnecessary or wasted expense has been incurred.

7. Overall, whilst the Council's delay in determining the application amounts to unreasonable behaviour, it has not resulted in unnecessary or wasted expense being incurred. Therefore, an award of costs is not warranted.

E Catchside

INSPECTOR