
Costs Decision

Site visit made on 11 June 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Costs application in relation to Appeal Ref: APP/B1930/W/24/3339320 Butlers Yard, Drovers Way, St Albans, Hertfordshire AL3 5FA

- 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 Aldenham Residential Property Development for a full award of costs against St Albans City and District Council.
 - The appeal was against the refusal of planning permission for the erection of three new apartments.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 appellant identifies that following the submission of the appeal application there was no positive engagement from the Council's Planning Officers in assessing the proposed development. If there had been positive engagement then any concerns which might have arisen could have been addressed via amendments to the proposals. Further, because the appellant considered that the concerns raised by the previous Inspector had been addressed as part of the proposals, the Council should have approved the application.
4. In response, the Council identified at the time of the appeal application being submitted that there were staffing issues which delayed the processing of applications. These delays were widely publicised and specific feedback was given to the appellant following requests for information about the progress of the appeal application. As part of the appeal, the Council has identified a putative reason why it would have refused the application if the appeal had not been submitted on grounds of non-determination.
5. The Planning Practice Guidance is clear that if the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. Although the claims of the appellant have been carefully considered, there are no reasons to doubt that the Council did publicise the delay in planning applications being assessed and determined.
6. However, even with better communication with the appellant at the time of submitting and processing the application, it is unlikely that this appeal would have been avoided altogether because of the grounds set out in the putative

reason for refusal and supported in the Council's evidence. The failure to determine the appeal application has not prevent or delayed a proposal which clearly should clearly be permitted.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

D J Barnes

INSPECTOR