



Costs Decision

Site visit made on 29 July 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Costs application in relation to Appeal Ref: APP/Y1945/W/24/3339143 41 Market Street, Watford, Hertfordshire WD18 0PN

- 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 Shakeel Adli for a full award of costs against Watford Borough Council.
 - The appeal was against the refusal of the Council to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use from Class E offices/light industrial workshop to Class C3 dwellings (8 x units).
-

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 claims that the Council has acted unreasonably through its inconsistent decision making across previous applications seeking prior approval for the change of use. Regarding the appeal application, the applicant asserts that it was refused on grounds that had not previously been raised and, in addition, could have been resolved had the Council engaged with the applicant during the consideration of the application. In this case, the Council has not rebutted the costs application or submitted a statement with the appeal.
4. The applicant supplied me with the site's planning history as well as the reasons for refusal pertaining to each application. The applicant asserts that the statutory declarations, Unilateral Undertaking and Acoustic Report remained unchanged throughout the different submissions, but not all applications were refused on these grounds. Although this shows that the Council has not acted in a consistent manner in its decision making, the case before me was not refused on these grounds and therefore no prejudice within this appeal occurred to the applicant about these matters.
5. Although concerns with adequate natural light, gross internal floor space and storage have not been consistently raised on previous applications, the appeal scheme is for 8 residential units rather than 9 units unlike the other applications. As such, despite the previous applications, it was not

unreasonable for the Council to refuse the application subject of this appeal on these grounds due to the different number of units.

6. I have allowed the appeal for the reasons set out in my decision. However, of importance to me being able to reach my conclusions was the updated information that the applicant provided with their appeal submission. Indeed, that the applicant chose to supplement their case with an updated Daylight & Sunlight Analysis and revised plan demonstrates that it was necessary to present a more robust case. In that context, it was not unreasonable for the Council to refuse the application on the original information available at the time.
7. I have been directed to correspondence between the main parties, whereby it is clear that the applicant sought to engage with the Council with a view to reach a positive outcome for the application. Although further information could have been submitted during the life period of the application, the Council did advise the applicant that typically it does not ask for revisions on prior approval applications. Further, I understand that the Council and the applicant have been involved in pre-application discussions, so the Council has engaged with the applicant. Therefore, I do not find that the Council has acted unreasonably in such a way that has led to unnecessary or wasted expense as a result.
8. Therefore, for these reasons unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR