



Costs Decision

Site visit made on 26 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Costs application in relation to Appeal Ref: APP/B1930/W/24/3345004 Land between 84-108 Ragged Hall Lane, Chiswell Green, St Albans, Hertfordshire AL2 3NN

- 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 Martin Holderness for a 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 an outline planning application (all matters reserved other than access) for 7 serviced plots for self-build and custom housebuilding.
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Decision

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

Preliminary Matters

2. I have noted the costs claim of 10 September 2024. The applicant made further points in support of their claim but the Council has not had an opportunity to comment on these. However, even if I were to take into account the additional submissions made by the appellant this would not have led me to reach a different conclusion in terms of my decision here.

Reasons

3. 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.
4. Concerns have been expressed by the applicant that the application was not consulted upon in a timely manner and there was a delay of over two months between validation of the application and consultations being carried out. However, the Council has provided evidence that such consultations were undertaken within 10 working days of validation.
5. The Council were not willing to accept amended details or additional information of the accesses with the highway during the course of the application. Whilst Councils can accept such amended plans and additional information, in accordance with PPG advice, this is at the discretion of the local planning authority whether to accept these.
6. Information was submitted by the appellant relating to other pertinent appeal decisions which I have addressed in my main decision. I have no evidence to suggest that the Council did not have regard to these as the application was

the subject of an appeal prior to any Officer or Committee Report being prepared. As it transpired, the Council, in its statement, considered the cited appeals and reached a different balance and conclusion. The Council is entitled to do so and this is not evidence of unreasonable behaviour.

7. While a lack of a decision within the prescribed time period is frustrating, it is nonetheless apparent that there was contact during the application process. Furthermore, the Council provided its evidence within the requisite appeal timescale.
8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.
9. I have noted the reference to *Harlow District Council v Powerrapid Limited [2023]*. However, this case relates to unreasonable behaviour prior to the lodging of an appeal and incidental costs. In this case I have concluded that no unreasonable behaviour has occurred and therefore this judgement does not fall to be considered in this context.

N Bowden

INSPECTOR