
Costs Decision

Site visit made on 3 January 2025

by **A N Other DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Costs application in relation to Appeal Reference APP/Y1945/D/24/3351779 52 Leggatts Way, Watford, Hertfordshire WD24 5ND

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr. J. Dobos for a full award of costs against Watford Borough Council.
 - The appeal was against the refusal of planning permission for a two-storey side extension.
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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 criticises the Council's handling of the planning application and argues that the planning application ought to have resulted in the grant of planning permission, even if further discussion of the scheme during the application process would have been desirable.
4. The Council's defence of their refusal of planning permission is essentially set out in the Officer's Report on the application, which explains their objections to the scheme, based on their design appraisal of the proposed development, by reference to planning policies, including Policies in the Development Plan and design guidance. In their rebuttal of the application for costs, the Council asserts that the application is unjustified, arguing that the appellant's concerns relate, primarily, to their perception of the way in which the planning application was handled.
5. I note that the Council's responses to points raised by the applicant during the application process were inadequate in some respects and it is surprising that "a site visit was not required" (as recorded in the Officer's Report at paragraph 6.1). Nevertheless, I am aware that the application for costs relates to unnecessary or wasted expense in the appeal proceeding, as distinct from the application process. Thus, the way in which the Council dealt with the planning application does not affect my conclusions on the application for the costs of the subsequent appeal.
6. In this case, the appeal turned on design considerations, in relation to the effect of the proposed development on the character and appearance of the host building and its surroundings. I have not supported the Council's approach in the appeal,

finding it to have been overly restrictive, and I have allowed the appeal, in consequence. Nevertheless, I accept that a reasonable submission has been presented to justify the Council's decision.

7. I have had regard to the guidance contained in the 'Planning Practice Guidance' (including the guidance given in respect of the local planning authority's handling of the planning application) and in my opinion, the weaknesses in the Council's case have not been of such a nature as to amount to unreasonable behaviour, bearing in mind the principle that the parties to a planning appeal normally meet their own expenses.
8. Notwithstanding the Council's behaviour in relation to the planning application, therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated. Hence, I have refused the application for costs against Watford Borough Council.

Roger C. Shrimplin

INSPECTOR