



Costs Decision

Site visit made on 18 February 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Costs application in relation to Appeal Ref: APP/B1930/W/24/3351029

13 Briar Road, St Albans, Hertfordshire AL4 9TH

- 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 S Murphy (J Murphy Developments) for a full award of costs against the St Albans City and District Council.
 - The appeal was against the refusal of planning permission for the erection of a new detached dwelling with new detached double garage and new vehicular cross over with new boundary fencing.
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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 claims that the council failed to properly interpret paragraph 10 of the previous appeal decision and has subsequently made vague assertions about the harm caused by the proposed development. The amendments made to the proposal by removing a front gable feature is considered by the appellant to have sufficiently responded to the previous concerns and, as such, the application scheme complied with the relevant development plan policies.
4. In any event, the presumption in favour of sustainable development should have been applied by the council to approve the appeal application with limited weight given to the development plan policies upon which the council refused the application. Further, the council should have had regard to its own decision making concerning dwellings being erected on plots at road junctions within the surrounding area.
5. A separate claim about the slow time taken for the council to determine the appeal application has also been raised by the appellant.
6. The council's response is that the concerns raised in the appeal decision were more than just changing the gable but directed at the width of the proposed dwelling. The 2 front gables just accentuated the width of the proposed dwelling.
7. The council identify that it is clear from the Planning Officer's report that the presumption in favour of sustainable development was applied to the determination of the appeal application. Significant weight the council claim was given to the

- erection of an additional dwelling but that this was judged to be outweighed by the adverse harm. Other schemes on corner plots were considered on their own planning circumstances and did not establish a precedent for the granting of planning permission on this site for the design of dwelling proposed.
8. There is an acknowledgement from the council that the time to determine the application was too long but that the appellant had access to relevant information to explain the situation.
 9. The National Planning Policy Framework (the Framework) refers to due weight being given to development plan policies according to their degree of consistency with the Framework. In this case, and irrespective of the housing land supply position, the design policies relied upon by the council to refuse the application scheme are broadly consistent with the Framework.
 10. It is also clear that the Framework's presumption in favour of sustainable development was applied by the council to the determination of the application. However, a judgement was reached that the adverse harm associated with the design of the proposed dwelling outweighed any benefits from the erection of a dwelling. This is a matter of planning judgement which was and has been adequately explained by the council, especially in circumstances where the previous concern was the size of the dwelling being accentuated by the 2 front gable features. The appeal decision is equally based on a planning judgement albeit reaches a different conclusion.
 11. By reason of the other schemes not being adjacent to the site and no doubt having different planning circumstances, it was appropriate for the council to explain that other dwellings erected on corner plots did not establish a precedent for the proposed development.
 12. It is unfortunate that resourcing at the council delayed the assessment and determination of the appeal scheme. However, if the appellant was unhappy with the speed of the determination of the application, then there was the option of submitting a non-determination appeal
 13. 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