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## Costs Decision

No site visit made

**by A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30 June 2025**

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### **Costs application in relation to Appeal Ref: APP/Y1945/X/24/3338367**

#### **24 Brixton Road, Watford, Hertfordshire WD24 4DX**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Jeremy Hodson for a full award of costs against Watford Borough Council.
  - The appeal was against the refusal of a certificate of lawful use or development ("LDC") for a loft conversion with rear dormer and roof windows.
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **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 asserts that the LDC was refused by the Council as they incorrectly measured the proposed dormer. Furthermore, on finding the proposed dormer would exceed 40 cubic metres by 0.68 cubic metres, the Council did not seek to cross-check their calculations with the applicant prior to refusal. They assert that this amounts to unreasonable behaviour which resulted in them incurring unnecessary and wasted expense in the appeal process.
4. The Council assert that they undertook their own detailed calculations that differed from the applicant's figures, and that the measuring tool used by the Council is accurate. The Council chose not to submit an appeal statement as they assert that the calculations contained in the Officer Report were satisfactory.
5. I do not challenge the accuracy of the Council's measuring tool. However, an error in how the Council measured the proposed dormer was identified by the applicant in post determination correspondence with the Council. This has not been disputed by the Council. Furthermore, following consideration of the proposal on its merits alone, I have concurred with the applicant on this matter and have found that the proposed dormer would not exceed the 40 cubic metre limitation.
6. Consequently, had the Council engaged with the applicant prior to determination to establish why their measurement was marginally different to the applicant's figure, the Council's error could have been identified and the appeal would not have been necessary.

7. The time taken to defend the appeal was therefore borne out of the unreasonable behaviour of the Council and the applicant incurred unnecessary expense in the appeal process.
8. I acknowledge that the Council did not submit an appeal statement to support their case as they did not consider they needed to expand on their Officer Report. However, this is not a ground on which the applicant has sought an award of costs.

### **Conclusion**

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

### **Costs Order**

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Watford Borough Council shall pay to Mr Jeremy Hodson, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Watford Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*A Berry*

INSPECTOR