



Costs Decision

Hearing held on 7 October 2025

Site visit made on 7 October 2025

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Costs application in relation to Appeal Ref: APP/Y1945/W/25/3365255

The Spinney, Watford, Hertfordshire WD17 4QF

- 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 The Spinney Residents' Association for a full award of costs against Rooftop Developments (The Spinney).
 - The appeal was against the refusal of an application for prior notification of development for a single-storey upward extension above each of the 3no. existing detached buildings, to provide residential flats, cycle parking and associated storage.
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Decision

1. The application for an award is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the 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 Guidance explains that costs can only be awarded in relation to unnecessary or wasted expense at the appeal, although the behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The Spinney Residents' Association is an interested party in this appeal and the Guidance has a section which advises on costs in relation to interested parties. In summary, this explains that it is not anticipated that awards of costs will be made in favour of, or against, other interested parties (as opposed to Rule 6 parties at Inquiry), other than in exceptional circumstances. It also sets out that an award will not be made in favour of, or against interested parties, where a finding of unreasonable behaviour by one of the principal parties relates to the merits of an appeal. However, the Guidance explains that an award may be made in favour of, or against, an interested party on procedural grounds, for example where an appeal has been withdrawn without good reason or where an unnecessary adjournment of a hearing or inquiry is caused by unreasonable conduct.
5. In this case, the applicant, The Spinney Residents' Association, has set out a written case and commentary seeking a full award of costs. It is argued that the award is justified by the appellant's decision not to advance their case in respect of car-free housing, and the associated lack of intention to pursue a unilateral undertaking. It is explained by the Residents' Association that this matter was only

- stated in the email from the appellant dated 2 October 2025 and, therefore, the Residents' Association had already been put to the expense of responding to the car-free housing aspect only for it to not be pursued just before the hearing.
6. In any case, the Residents' Association consider the entire case at appeal is unfounded, had no reasonable prospect of success, and it is argued that the appellant continued to rely on a traffic survey from June 2022.
 7. The case is also put that other aspects of the scheme such as the need for cycle and bin stores fall outside the confines and requirements of Part 20, such that they require planning permission in their own right. It is also said that considering the benefits of the scheme, such as the additional housing, is not a requirement of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and should not be considered.
 8. Taken as a whole the Residents' Association consider that the entire appeal process has put them to considerable expense in providing a robust case to defend against the grant of planning permission.
 9. The appellant has explained that the Council refused the scheme, defended the appeal, and the Residents' Association made its own decision to provide evidence at the appeal stage. It is also argued that much of the evidence from the Residents' Association was submitted during the application stage, such as the production of The Spinney Parking Stress Report (December 2024) (Sanderson Associates on behalf of the Spinney Residents' Association) (the Sanderson Parking Report). The appellant argues that it has not acted unreasonably and no award of costs is warranted.
 10. During the application stage, the Residents' Association submitted the Sanderson Parking Report and I agree with the appellant that this was an expense incurred at the application rather than appeal stage. It was, therefore, not an expense incurred at the appeal and, therefore, the production of this document cannot be considered in terms of appeal costs.
 11. At the appeal stage the appellant submitted a planning appeal statement (April 2025) and The Spinney, Watford – Revised Transport Statement – April 2025 (Paul Basham Associates) (the 2025 Transport Statement). This Transport Statement included a further parking stress analysis and therefore provided up-to-date survey information. Both the planning appeal statement and the 2025 Transport Statement made the case that the scheme could be accommodated within the spaces available in the vicinity but also proposed to extend the Controlled Parking Zone D (CPZ) with funding to be provided via a legal agreement.
 12. The appellant therefore did not rely on the 2022 parking survey, although it was included for completeness, because there was a more up-to-date parking assessment, undertaken in March 2025.
 13. The Residents' Association responded to the evidence at the appeal stage and this included a further planning report/letter and a Parking Assessment Report (June 2025) which included an analysis of the existing information and considered the effect of extending the CPZ.
 14. At that time, the appeal was proceeding as a written representations appeal and the appellant made final comments. This included responding to the Residents'

- Association submissions and Report. It was again explained that the appellant did not rely on the extension to the CPZ to make the development acceptable in highway terms and continued to argue that there were sufficient spaces available in the locality to accommodate the effects of the scheme. Reference is again made of the offer to fund the CPZ extension on the basis that this was a gesture to deal with alleged problems.
15. The appeal process was subsequently changed to a hearing and in an email shortly before the hearing the appellant confirmed that they were not proposing parking restrictions or planning obligations. Consequently, this was not an issue that needed to be discussed at the hearing.
 16. Looking at these matters, the appellant has advanced a range of arguments and evidence, including with the pre-application submission, at the application stage and then at the appeal. The scheme changed from being a car-free scheme to a proposal where it was argued that the parking effects could be accommodated within the existing unrestricted parking areas.
 17. At the appeal stage, the Residents' Association responded to the proposal to pursue an extension to the CPZ. The detailed response from the Residents' Association was information, together with the advice of the Council that it was unlikely to support an extension to the CPZ, that seems to me to have fed into the appellant's considerations not to pursue the extension to the CPZ as an option during the later part of the appeal, including at the hearing. In that respect the evidence from the Residents' Association was relevant and not wasted expense at the appeal stage.
 18. It is not unreasonable, in itself, to seek to develop or change a case based on the latest information as it is updated and refined through time. No completed obligation was submitted or indeed published in a draft form for consideration.
 19. In all the circumstances, the decision of the appellant to not pursue the proposed extension to the CPZ, and the related obligation, was not unreasonable and made the hearing simpler and more efficient. It was not therefore necessary to consider the Residents' Association arguments on this issue, and saved time and related expense on the hearing day for all parties.
 20. In terms of the other issues raised by the Residents' Association, cycle and bin stores are proposed as part of the scheme and would meet with the requirements of permitted development under Part 20. There would be benefits from the additional housing but the appellant has correctly focused their case on the transport and highway impacts of the scheme, being the prior approval matter in dispute with the Council. This is an appropriate approach.
 21. Drawing these matters together, the appellant's approach and behaviour in advancing their case during the appeal was reasonable and proportionate. Not advancing the CPZ extension was not unreasonable behaviour and was consistent with the case that was argued based on the parking survey information. Consequently, the Residents' Association was not put to unnecessary or wasted expense in the appeal process as a result of any unreasonable behaviour. Furthermore, there is nothing that can be described as exceptional circumstances which the Guidance requires for costs to be awarded to interested parties at a

hearing. There has been no procedural issue with how the appellant has conducted the appeal process. Consequently, neither a full or partial award of costs is merited

Conclusion

22. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Guidance, has not been demonstrated and an award of costs is not justified.

David Wyborn

INSPECTOR