



Costs Decision

Inquiry held on 3-6 February 2026

Site visit made on 3 February 2026

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2026

Costs application in relation to Appeal Ref: APP/N1920/W/25/3374962

Land South of Shenley Hill, Radlett WD7 7EL

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Hertsmere Borough Council for a full award of costs against Fairfax Acquisitions Ltd.
 - The inquiry was in connection with an appeal against the refusal of planning permission for the erection of up to 195 new homes (50%affordable), safeguarded land for the expansion of Newberries Primary School and provision of a new medical centre, along with associated access, landscaping and parking.
-

Decision

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

The submissions for Hertsmere Borough Council

2. The costs application was submitted in during a hiatus in the Inquiry agreed to deal with costs and the execution of a planning obligation.
3. I will not repeat the entirety of the applicant's case in this decision given that they have been provided in writing but in summary, the it is the council's case that the Appellant's application for an award of costs against the Council is totally without merit and should not have been made and that the Council has been put to unnecessary expense and additional time in responding to the application.

The response by Fairfax Acquisitions Ltd

4. The response was made in writing after the Inquiry sat during an agreed hiatus to deal with this and the execution of a planning obligation. Again, I will not repeat the entirety of the council's case given that they have been provided in writing, but in summary say the council's approach is "confused and unattractive".

Reasons

5. 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.
6. A costs application made in respect of another costs application is unusual but not without precedent. Indeed, two such (successful) applications were

submitted by the applicant. For such an application to succeed I consider that it would be necessary to demonstrate that the earlier costs application was hopeless, with no chance of success and hence that party had behaved unreasonably in pursuing such an application and resulting in the respondent incurring unnecessary and wasted expense in the appeal process.

7. The previous costs application was founded in matters that were of considerable importance to the determination of the related appeal and matters at dispute between the parties. While I did not find in favour of the earlier costs application, I consider that it is some way short of being hopeless.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted in this instance.

Mr M Brooker

INSPECTOR