
Costs Decision

Site visit made on 26 September 2018

by Sandra Prail M.B.A., LL.B (Hons), Solicitor (non practising)

an Inspector appointed by the Secretary of State

Decision date: 18 October 2018

Costs application in relation to Appeal Ref: APP/K1935/C/17/3187994 Land at 113 The Pastures, Stevenage, SG2 7DF.

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Michael Borrill for a full award of costs against Stevenage Borough Council.
 - The appeal was against an enforcement notice alleging failure to comply with condition 1 of planning permission reference 15/00671/FPH.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that irrespective of the outcome of the appeal, 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 provides that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal.
4. The Appellant claims that the Council acted unreasonably in issuing an enforcement notice that was wholly without grounds as the rooflights were in accordance with the approved plans. He claims that the Council provided no evidence to substantiate its reasons for issue of the notice. He draws attention to the way in which the Council changed its description of the works during the course of the appeal and the absence of any discussion or imposition of conditions concerning the manner of opening of the rooflights.
5. I have addressed these points in my substantive decision. I do not agree with the Council's arguments in this case but that does not of itself make their interpretation unreasonable. I do not consider the Council's position so flawed as to amount to unreasonableness for the purposes of the Guidance. Their arguments had some legitimacy albeit that I did not find in the Council's favour.
6. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been

demonstrated. I conclude that the award of costs sought by Mr M. Borrill against Stevenage Borough Council is not justified. The application should be refused and there is no justification for a partial award.

S. Prail

INSPECTOR