
Costs Decision

Site visit made on 28 September 2016

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 October 2016

Costs application in relation to Appeal Ref: APP/N1160/W/16/3152868 Coombe House, The Quay, Plymouth PL9 7NE

- 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 Mr & Mrs R Tooze for a full award of costs against Plymouth City Council.
 - The appeal was against the refusal of planning permission for a change of use from dwelling to 4 no. self-contained flats.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 4. The Council's Development Guidelines Supplementary Planning Document First Review (SPD) sets out the maximum parking requirements for development. In paragraph 8.2.3 the SPD states that within the standards, developers will be expected to provide adequate parking to accommodate parking arising from necessary car use, and to protect the surrounding area from overspill parking and problems on the highway. As such, though the amount of parking in the proposal would not exceed the maximum standards, the Council did not act unreasonably by requiring an amount of parking which they considered would be adequate to serve the development and prevent overspill parking.
 5. Furthermore the Council were clear in their officer's report that they considered the site to have low accessibility, the reasons for which were set out in more detail in the consultation response from the Highways Authority. Indeed this resulted in them accepting that a parking provision lower than the maximum standard would be appropriate, and this demonstrates a suitably flexible approach. As set out in my decision on the appeal I note the proximity of local
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shops to serve the day to day needs of the future occupiers, walking and cycling routes and a bus stop. But I also acknowledge that larger shops and facilities are located further afield. The degree to which a site can be said to be sustainably located is subjective to some extent. Nonetheless, however the sustainability of its location is described, I agree the amount of parking required by the Council for the proposal was not unreasonable.

6. The Council's flexible approach to parking provision is demonstrated in other developments to which the appellant has brought my attention. However as discussed in my decision on the appeal, these other schemes are not comparable to the appeal proposal, notwithstanding the fact the Council adopted a flexible approach in this case.
7. Although traffic volumes and speeds are low in proximity of the site, the site's position on a street corner where visibility is poor means that the Council were justified in coming to the view that added pressure on the existing on-street parking would threaten highway safety.
8. The Council's lack of a five year supply of housing is a material consideration and is a factor that has considerable weight. The Council correctly treated it as such, however in this case the Council considered that it did not outweigh the harm to highway safety, which is not an unreasonable conclusion to reach.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR