
Costs Decision

Site visit made on 31 January 2017

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 10th February 2017

Costs application in relation to Appeal Ref: APP/A4710/W/16/3162415 Land north-east of Upper Bentley Royd, Sowerby Bridge HX6 1DS.

- 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 R Earnshaw for a full award of costs against Calderdale Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a detached dwelling.
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Preliminary Matter

1. The application for costs was made in writing by the Appellant. I have received no response to that application from the Council.

Decision

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

Reasons

3. Planning Practice Guidance 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.
 4. This is a case which turns on matters of judgement. The reason for refusal from the Council is based on the impact of the proposal on highway safety. Although it is possible to measure traffic flows and speeds, those are aids to decision making and not matters which necessarily dictate the outcome of any judgement made. The Appellant's measurements are in any event not disputed.
 5. The Council is entitled to take a contrary view to its officers, as in this case, but is then required to justify its stance. That does not necessarily mean that there is a requirement to produce further technical information since it is quite possible for the Council to rely on the traffic counts and measurements supplied by the Appellant. Using that information it is reasonable to reach separate, and differing, judgements.
 6. The Council's appeal statement includes its justification for reaching a decision contrary to officer advice. In particular it identifies the perceived impact on highway safety caused by the additional vehicle movements associated with the proposed development. Although this is different judgement to that made by the Appellant it is a judgement that the Council is entitled to make. I do not
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regard the Council's statement as being be vague, generalised or inaccurate. It adequately explains why a different decision was taken to that recommended by its professional advisers. I am satisfied that the Council has justified its decision and explained its judgement by reference to the local highway conditions.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that no award of costs should be made.

Philip Major

INSPECTOR