The Planning Inspectorate

Costs Decision

Site visit made on 29 January 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2019

Costs application in relation to Appeal Ref: APP/J1860/W/18/3215908 Holmfield, Sinton Green, Hallow WR2 6NP

- 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 Ms S Bull for a full award of costs against Malvern Hills District Council.
- The appeal was against the refusal of planning permission for an outline application with all matters reserved for the construction of a detached dormer bungalow.

Decision

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

Reasons

2. The Planning Practice 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 costs application essentially relies on the fact that the Council failed to demonstrate full or detailed evidence to support their case and this prevented and delayed development which should have been permitted. It is consequently argued that the proposal would have no discernible impact on highway safety. The applicant also considers that the Council has ignored assertions that the proposal would result in improved on-site manoeuvring and thusly improve highway safety, illustrated with the indicative site plan.

4. I have allowed the appeal as I came to a similar conclusion with regards to highway safety, but this does not in itself follow that the Council behaved unreasonably when it refused the application. The Highway Authority had provided clear reasoning as to why it considered the proposal should be refused on the basis of the visibility splays crossing third party land, a lack of information and reversing onto the carriageway. The Council has also confirmed that a site visit was undertaken by the Highway Engineer. Consequently, I am satisfied that there was adequate objective analysis undertaken with regards to both a consideration of the visibility splay and the resultant effects of the proposal on conditions of highway safety. The Council was clearly not content that the indicative site plan adequately addressed its concerns. Furthermore, the Council says it gave the applicant the opportunity to discuss the matter with the Highways Authority, during the application consideration process.

5. The proposal and its effects would have been more clearly set out if it had been supported by further technical highway analysis and a clearly drawn site layout

plan. Such a layout plan could have included properly dimensioned parking and manoeuvring areas, showing how the vehicles serving both dwellings could leave the site in a forward gear. This would have enabled a clear understanding as to the effects of the proposal and the parameters of any approval.

6. Consequently, I find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the Guidance, has not been demonstrated. The application is hereby refused.

Ben Plenty

INSPECTOR