



Costs Decision

Site visit made on 30 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Costs application in relation to Appeal Ref: APP/B3410/W/19/3225892 Barn at High Street, Stramshall, Staffordshire ST14 5AL

- 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 Adam Dronzek for a full award of costs against East Staffordshire Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of a barn to residential.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. 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. The PPG provides examples of circumstances which may lead to an award of costs against a local planning authority. Awards may be procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. The application for an award of costs in this case is made on substantive grounds.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it prevents development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The Council's decision to refuse planning permission was on the grounds that the proposal failed to make adequate provision for the parking of vehicles within the site curtilage in line with the requirements contained within the Parking Standards Supplementary Planning Document (SPD). The development was therefore deemed contrary to the requirements of East Staffordshire Local Plan Policies SP1, SP8 and SP35 and the National Planning Policy Framework. These policies support the appropriate re-use of existing buildings and development that will not have an adverse impact on the transport and highway network.
5. The basis of the appellant's claim for costs is that the Council acted unreasonably in so far that it rigidly applied the standards set out in its SPD disregarding Highway Authority comments and guidance within the SPD which allows for flexibility where highway safety is not impacted. The appellant considers that the Council failed to provide any substantive evidence to support

its view that the proposal would have an adverse impact on highway safety by means of the cumulative impact of parking and the position close to the road junction.

6. From my consideration of the evidence provided and the planning issues in this case, it was clear that the proposal would result in a demand for on-street parking in lieu of one on-site space as required by guidance within the SPD. The Highway Authority, who did not object to the proposal, maintained that the existing building could generate vehicular movements in association with its lawful use, which although the Council describe this fall-back position as "uncertain", it was not refuted. Consequently, the requirement for one on-site parking space to comply with the guidance contained within the SPD was not deemed necessary by the Highway Authority. To reinforce this position, the SPD also suggests that when looking at applying parking standards, they will be *"used alongside an assessment of residual impact of the proposal against existing use"*.
7. The Council referred to a "likelihood of highway danger due to the likelihood of vehicles being parked on the public highway". However, there was no specific evidence to demonstrate that there was not capacity for a vehicle to park on the road, even though the Council alluded to a problem of "heavy" parking. Neither was it demonstrated that the addition of a vehicle parking on the roadside would cause significant harm to highway safety. From the evidence before me, it was clear that the surrounding area provides unrestricted areas to park which would not compromise highway safety. In this case, I do not consider that the Council reasonably substantiated its view that the proposal would give rise to any highway safety or on-street car parking demand issues taking into account the existing use of the building as well on-street car parking conditions.

Conclusion

8. For the above reasons, I consider that the Council failed to properly evaluate the planning application and also to give weight to the Highway Authority response. In this case, I consider that the appeal could have been avoided. I have found that the concerns of the Council about the impact of the proposed development which justified its decision have not been clearly demonstrated.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Staffordshire Borough Council shall pay to Mr Adam Dronzek, the costs of the appeal proceedings, described in the heading of this decision.

11. The appellant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

S Hanson

INSPECTOR