



Costs Decision

Site visit made on 15 October 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Costs application in relation to Appeal Ref: APP/D1780/W/19/3233700 40 Atherley Road, Southampton SO15 5DQ

- 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 B Kakiya for a partial award of costs against Southampton City Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of single storey detached dwelling at land to rear of 40 Atherley Road.
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Decision

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

Reasons

2. The Planning Practice Guidance¹ (the PPG) advises that irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG² lists different types of behaviours which may give rise to a substantive award of costs against local planning authorities.
3. Having regard to the combined planning appeal and costs statement submitted by the applicant, it is argued that the Council acted unreasonably, by applying minimum parking standards, whereas development proposals should be assessed on their individual merits and against the Council's adopted maximum parking policies. The applicant is therefore seeking a partial award of costs in respect of the Council's second reason for refusal, which relates to insufficient parking.
4. The Council's Parking Standards Supplementary Planning Document (the Parking SPD) sets out maximum parking standards, whilst requiring development to demonstrate that the level of parking provided for new residential development will be sufficient. On the basis of the evidence before me, I am satisfied that this approach has been appropriately followed by the Council, who did not require a minimum number of parking spaces, but simply insisted on additional information being submitted to justify the absence of car parking provision as part of the development.
5. Having regard to the requirements of Policy CS19 of the adopted Local Development Framework Core Strategy Development Plan Document – 2015 (CS) and the Parking SPD, I consider that the Council did not act unreasonably in requiring the applicant to demonstrate that there would be sufficient on-road

¹ Paragraph: 030 Reference ID: 16-030-20140306.

² Paragraph: 049 Reference ID: 16-049-20140306.

parking capacity to accommodate the absence of on-site provision. The Council determined the application on the basis of the information submitted, and was unable to conclude that the absence of car parking as part of the proposal was acceptable in this particular instance.

6. Consequently, I find that unreasonable behaviour or wasted expense, as described in the PPG, has not been established. On this basis, I conclude that an award of costs is not justified.

S Edwards

INSPECTOR