



Costs Decision

Site visit made on 28 January 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Costs application in relation to Appeal Ref: APP/W4325/W/19/3238793 The Ponderosa, 14 Acres Road, Meols CH47 9SQ

- 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 Raj Bhullar for a full award of costs against Wirral Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a detached 2 bedroom dwelling on the garden plot adjacent to 14 Acres Road.
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Decision

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

Reasons

2. I have considered this application for costs in the light of the Government's Planning Practice Guidance¹ (PPG). This advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this particular case, the applicant considers that the Council acted unreasonably in determination of the planning application. This is on the basis that it failed to substantiate or justify the reasoning behind its reason for refusal.
4. The Council's reason for refusal was the effect on the living conditions of the occupants of Nos 15 and 19 The Ridgeway in relation to noise. In this case the Council's reasoning is quite clear, as they considered that the existing access drive with its new parking bays would be too close to these residential dwelling houses.
5. The Council accepted that the access road was already occasionally used by the applicant and could be brought into more frequent use to access No 14 Acres Road. However, given the distance from this existing property and the width of the access drive they deemed this unlikely. They judged that more traffic movements would be generated by the proposed new property's parking bays on The Ridgeway, particularly when this driveway would be this dwelling's only entranceway.

¹ PPG "Appeals", paragraph: 028, Reference ID: 16-028-20140306; Revision date: 06 03 2014.

6. Furthermore, as this access runs the entire length of both the gardens of Nos 15 and 19, they deemed that additional disturbance would be caused by the pedestrian use of this access to the new property.
7. Consequently, the Council reasonably considered that the occupants of Nos 15 and 19 The Ridgeway would be subjected to additional vehicular and pedestrian activity than presently exists. This activity in turn would lead to the residents of these properties being exposed to more noise.
8. Whilst I appreciate that the outcome of the application will have been a disappointment to the applicant, the Local Planning Authority were not unreasonable in coming to that decision. Following consideration of the application on its merits alone, I have on balance, concurred with the Council.

Conclusion

9. I consider that the Council acted reasonably over this issue and did have reason for concern, which they did justify and substantiate. I therefore find that no unreasonable behaviour by the Council has been demonstrated. The application for costs is therefore refused.

D Hilton-Brown

INSPECTOR