



Costs Decision

Site visit made on 9 March 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Costs application in relation to Appeal Ref: APP/N1160/D/19/3241885 157 Stuart Road, Plymouth PL1 5LG

- 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 J Amies for a full award of costs against Plymouth City Council.
 - The appeal was against the refusal of planning permission for construction of an area of hardstanding at the front of the property in order to create a domestic vehicle crossing/dropped kerb. The dropped kerb has been approved by Plymouth CC.
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Decision

1. The application for 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 applicant claims that he was put to unnecessary expense in submitting the appeal application and separate application under the Highways Act for the dropped kerb.
4. I understand that it can be complex and arduous to submit multiple applications under different legislative frameworks, i.e. in terms of seeking permission for a dropped kerb and separately applying for planning permission for the laying of an access onto a classified highway. In the case of the former, a form of approval was granted to the applicant by the Local Highways Authority (LHA). In the case of the latter, the Council has refused planning permission and I have found it necessary to dismiss the appeal for similar highway safety reasons.
5. Taking at face value the extracts from websites and email correspondence with the Highways Administrator provided by the applicant, there appears to be a discrepancy with the terminology used and the resulting impression it gave to the applicant. The applicant suggests that the advice led to him choosing to submit the respective applications in a specific order to minimise potentially abortive costs, but it had the opposite effect.
6. The safety checks applied by the LHA in relation to dropped kerbs do not dictate those to be considered in the planning application or appeal. The Council's guidance in relation to minimum parking space standards cannot also be considered in isolation given the conditions of this highway and the fact that

the parking space and access are to be retrospectively included into a constrained highway environment.

7. Taking all factors into account, and whilst I have some sympathy for the applicant, it does not appear that the costs application relates to any unreasonable behaviour by the Council specifically in its handling of the appeal application or appeal itself, and nor does it appear to me that an award of costs would be justified in either regard.
8. For the reasons set out above, I find that it has not been demonstrated that the Council behaved unreasonably and an award of costs is therefore not justified.

Hollie Nicholls

INSPECTOR