



Costs Decision

Site visit made on 4 August 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Costs application in relation to Appeal Ref: APP/V4250/W/20/3249381 22 Wallgate, Wigan WN1 1JU

- 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 Hossein Ghorbani for a full award of costs against Wigan Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for change of use from betting shop to taxi office.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party which has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. The description on the application form refers to the proposed use as a 'taxi office'. However, from the Council's submissions I am satisfied that it understood that the application related to the proposed use of the premises as a private hire taxi office and that it considered the application on that basis.
4. The appellant states that there is no requirement to provide parking for a private hire booking office, with reference to the Local Government (Miscellaneous Provisions) Act 1976. However, whilst such uses may also be subject to separate controls under other legislation, the appellant made an application for planning permission for the proposed use. Highway safety is a material planning consideration. As such, in considering that application for planning permission under the terms of the Town and Country Planning Act 1990, the Local Planning Authority did not act unreasonably in taking matters of highway safety into account.
5. The Council has clearly substantiated its reasons for refusing the application on highway safety grounds with reference to the specific circumstances of the local highway network and waiting restrictions in the vicinity of the site, and to the detail of the particular proposal before it, including the provision of a customer waiting area as part of the proposed development. Therefore, and as it will be seen from my decision that I agree that the development would cause harm to highway safety, the Council has not acted unreasonably in refusing the application on those grounds.

6. Unreasonable behaviour resulting in unnecessary or wasted expense has therefore not been demonstrated in this case.

Jillian Rann
INSPECTOR