



Costs Decision

Site visit made on 5 January 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Costs application in relation to Appeal Ref: APP/X3405/W/20/3260212 21 Stafford Road, Cannock WS11 4AF

- 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 D Andrews for a partial award of costs against Cannock Chase District Council.
 - The appeal was against the refusal of planning permission for site redevelopment to provide 18 room house of multiple occupancy.
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Decision

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

Reasons

2. The 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. This application claims unreasonable behaviour by the Council in terms of (i) failing to substantiate its second refusal reason relating to parking and highway safety, (ii) making vague and generalised comments in respect of the subsequent harm to neighbours' amenity and (iii) persisting in such objections to the proposal when a previous Inspector had previously indicated the development would be acceptable in this regard.
3. The Council's second refusal reason refers to a concern that the lack of parking spaces as part of the proposal would be detrimental to highway safety. However, there is no explanation within the Council's submissions as to how parking associated with proposal would lead to any highway safety issue. Furthermore, the report to the Council's Planning Control Committee dated 27 May 2020 explains that the County Council Highway Officer raised no objections to the proposal subject to the imposition of planning conditions. The Council is not duty bound to follow officer's advice but it has to demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to support its case. No such evidence has been submitted and so the Council has failed to explain and substantiate its second refusal reason.
4. Neighbouring amenity is not referred to by the Council in its refusal reasons or submissions. However, the Council's statement of case includes a comment that the lack of parking facilities would lead to conflict between existing and future residents over limited public parking in the vicinity. However, limited evidence has been submitted that shows the proposal would increase demand for parking or how any increase in parking pressures would harm social

cohesion and lead to crime and fear of crime. As such, these contentions are vague. Furthermore, the Inspector who previously determined the appeal for a larger scheme for the site¹ found similar concerns to be unconvincing. To persist with these objections in respect of this appeal and without any substantive evidence represents unreasonable behaviour.

5. The appellant has responded to the Council's second refusal reason and its statement of case comments relating to parking. As such, I conclude the identified unreasonable behaviour has resulted in unnecessary or wasted expense, as described in the PPG. A partial award of costs is justified to cover the expense incurred by the appellant in contesting the Council's second refusal reason and comments in appeal submissions relating to the effects of parking.

Costs Order

6. 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 Cannock Chase District Council shall pay to Mr D Andrews, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the second Council refusal reason concerning the effects of parking arising from the development; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant 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.

Jonathan Edwards

INSPECTOR

¹ Appeal reference number APP/X3405/W/19/3228451