
Costs Decision

Site visit made on 25 May 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Costs application in relation to Appeal Ref: APP/D0650/W/21/3267983 Site of existing pharmacy and car park at Appleton Village, Widnes

WA8 6EQ

- 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 Nasr for a full award of costs against Halton Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing pharmacy and construction of mixed development comprising 12no. two bedroom apartments and commercial unit (Use Class A1) at ground floor together with associated parking, landscaping and ancillary works.
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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 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 has made an application for costs but has not set out within it what they consider the unreasonable behaviour that has caused them unnecessary or wasted expense in the appeal process to be. There are however a number of matters raised within the applicant's statement of case for the appeal which suggests that they consider that the development should have been permitted and that the appeal could have been avoided. These matters are countered individually in the Council's own submissions.
4. Whilst I accept that it will have been frustrating to the applicant that the Council Members took a different view to that which was recommended by their Officers, they were entitled to take this course of action and it does not in itself represent unreasonable behaviour. Furthermore, there is no substantive evidence before me that the Highway Officer or Planning Committee misunderstood the scope of the proposal as amended or that they sought to inflexibly apply maximum parking standards without consideration of the individual merits of the appeal case.
5. On the contrary, the submissions provided indicate that a thorough assessment was made in which it was accepted that a reduced provision in the number of parking spaces would be justified. This reduction was not however to the level which the appeal development proposed.

6. Ultimately, parking requirements are a matter of judgement based on the circumstances of the individual case and the fact that I have reached a different view to that of the Highway Officer and the Council does not mean that either of those parties acted unreasonably. Furthermore, the Council has been able to adequately defend its position during the appeal process, setting out in detail the reasoning as to how it came to its conclusion to refuse planning permission. There has, therefore, been no unreasonable behaviour in this respect either.
7. The appeal is not against the non-determination of the planning application. A number of procedural matters have been raised by the applicant in their submissions, but I am satisfied that none of these demonstrate that the appeal could have been avoided, and therefore the applicant has not been put to unnecessary or wasted expense in having to submit the appeal.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and the application for costs fails.

Graham Wraight

INSPECTOR