The Planning Inspectorate

Costs Decision

Site visit made on 28 June 2021

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Costs application in relation to Appeal Ref: APP/Y2430/W/21/3271151
17 Weaver Green, Melton Mowbray, Leicestershire LE13 0UH

- 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 E Robson for a partial award of costs against Melton Borough Council.
- The appeal was against the refusal of planning permission for a self-build dwelling.

Decision

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

Reasons

2. 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[1].

3. There is one claim to assess: whether in finding that the proposal would result in unacceptable parking pressure in the locality, the Council partly refused permission on a ground that it should not have, having regard to relevant material considerations.

4. Policies D1 and IN2 of the Melton Local Plan, amongst other matters, respectively require that new development is assessed against whether it makes adequate parking provision, and that new development should, where possible, have regard to providing appropriate and effective parking. The Local Plan relies on the parking standards of the Highway Authority which state that a two bedroom dwelling, such as the appeal proposal, should be provided with one off road parking space.

5. In its consultation response, the Highway Authority did not object to the absence of an off-road parking space on highway safety grounds due to the urban location of the site and its access to public transport. However, highway safety is a different consideration to parking pressure and the inconvenience this can cause to local residents. As the local planning authority, on the basis of the observations of the planning officer, the Council was entitled to find that the proposal would result in unacceptable parking pressure. In terms of the availability of off-street parking spaces to the rear of the appeal site, the Council did take this consideration into account. It reasonably concluded though that as use of one of these spaces had not been formally secured that the proposed dwelling would not be provided with off street parking.

[1] Paragraph: 028 Reference ID: 16-028-20140306, 'Appeals', 'Why do we have an award of costs?'

6. On the basis of the delegated report and appeal statement, it is evident that the Council was aware of the comments of the Highway Authority and had taken into account parking provision to the rear. Whilst for the reasons given in the appeal decision I concluded differently, the Council exercised respectable planning judgement supported by reasoning to come to the conclusion that the proposal would result in unacceptable parking pressure and would be contrary to the development plan.

7. Accordingly, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. An award of costs is therefore not justified.

Ian Radcliffe

Inspector