



Costs Decision

Site visit made on 18 October 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 NOVEMBER 2022

Costs application in relation to Appeal Ref: APP/Y2430/W/22/3296954 Former Millway Foods Ltd, Colston Lane, Harby LE14 4BE

- 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 Jack Kumar for a full award of costs against Melton Borough Council.
 - The appeal was against the refusal of details pursuant to condition Nos 1, 2 and 5 of planning permission Ref 15/00673/OUT for erection of 53 dwellings (reserved matters to outline planning permission 15/00673/OUT).
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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. In respect of car parking, the appellant submits that the number of parking spaces would exceed the Council's parking standards, and the LPA has provided no evidence as to how or why the parking of vehicles on-street would impact on visual amenity.
4. However, the Council's reason for refusal on this issue refers to the use of tandem parking, rather than the number of spaces. Furthermore, the Design Study submitted by the appellant states that "*Despite the volume of car parking, this does not guarantee that residents will happily park their cars in a tandem arrangement*" and that cars may be "*...displaced and be parked on the carriageway...*". The Building for a Healthy Life document submitted by the appellant also advises against over-reliance on tandem parking arrangements. Having regard to that evidence, the Council's concerns about the parking of displaced vehicles from tandem parking is not unreasonable.
5. Excessive on-street parking can lead to a cluttered and car dominated streetscape, and the Building for a Healthy Life document cautions against views along streets that are dominated by parked cars. Although I have disagreed with the Council on the matter of the likely amount of on-street parking, I do not consider that its concerns are so without foundation as to represent unreasonable behaviour.

6. The Council's Design SPD also refers to problems of tandem parking. Although the SPD may not have been adopted at the time of the Council's decision, it is not unreasonable for Members to refer to it. On the basis that the Council's concerns about tandem parking are not without merit, I do not consider that Members placed unreasonable emphasis on the draft SPD
7. The appellant submits that the Council conflated parking problems within the village core with concerns over the use of tandem parking. However, the Committee Minutes simply refer to that "*there would be too much on-street parking*" which to my mind does not indicate that Members assessed this in terms of the village core.
8. There is some disagreement as to the number of parking spaces proposed, and I have agreed with the appellant's assessment that the proposal would exceed the number of parking spaces required by the development plan. However, this is not an issue that was referred to in the Council's reasons for refusal, and is a matter to be determined on the basis of the evidence, which the appellant has readily been able to clarify. Furthermore, the Council's first reason for refusal refers to the use of tandem spaces, rather than a lack of parking provision, and on that basis the Council's decision was not inherently unreasonable.
9. With regard to the architectural detailing, I have agreed with the Council's concerns on this matter and therefore cannot agree that the Council has behaved unreasonably in its consideration of this issue. The Council's reference to the wider prevailing village context and the urban form of the proposed dwellings are valid considerations when assessing the effect of the proposed architectural detailing on the reserved matter of appearance.
10. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

David Cross

INSPECTOR