



Costs Decision

Site visit made on 30 March 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Costs application in relation to Appeal Ref: APP/W1850/W/22/3302864 50 Barrs Court Road, Hereford, Herefordshire HR1 1EQ

- 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 Mark Clemmings for a full award of costs against Herefordshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for 'change of use from dwelling house (C3) into an 8 bedroom house of multiple occupancy (sui generis) and put an extension onto the back of the house'.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 PPG advises that local planning authorities will be at risk of an award being made against them if they fail to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.
4. The Council's officer report acknowledges that the appeal site is considered to be located in a sustainable area, accessible by a range of non-car modes and with access to local goods, services and facilities. Notwithstanding the availability of sustainable transport modes, the Council was entitled to reach the view that future occupants of the proposal may still opt to make use of a private car. For the reasons set out in the Appeal Decision, I concluded that the proposal would be unlikely to result in unacceptable harm to the living conditions of nearby residents as a result of increased parking stress. However, as a matter involving some planning judgement the Council was not unreasonable in concluding otherwise.
5. Furthermore, the Council's reasons for refusal also relate to the impact of noise and disturbance on the living conditions of neighbouring occupants, and on the quality of the living conditions for future occupants of the proposal. For the reasons given in the Appeal Decision, I have also found harm with respect to these main issues. Therefore I do not find that it was unreasonable for the Council to raise such concerns which they substantiated within the officer report. Whilst I appreciate the appellant had hoped for more engagement from

the Council during the determination period, I note that there was some email correspondence prior to the Council issuing their decision.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been clearly demonstrated. An award of costs is therefore not justified.

Rachel Hall

INSPECTOR