



Costs Decision

Site visit made on 20 June 2023

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Costs application in relation to Appeal Ref: APP/R2330/W/22/3313104 7 Beech Crescent, Altham West, Accrington, Lancashire BB5 5EQ

- 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 Ziafat Ali (Thrive Residential Properties Ltd) for a full award of costs against Hyndburn Borough Council.
- The appeal was against the refusal of planning permission for the change of use of existing dwellinghouse (Use Class C3) to children's home (Use Class C2), to provide care for up to 4 no. children with all associated facilities.

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 appellant's submission relies on the Planning Committee failing to accept the recommendation of the planning officers to grant planning permission. In doing so, it also departed from the response by the highway authority consultee.
4. It is common ground between the main parties that Members of a Planning Committee are not bound to accept the recommendations of their officers. The PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal, and if they rely on vague, generalised or inaccurate assertions about a proposal's impact.
5. I do not share the view of the Council in relation to parking, but this is a matter that requires the exercise of judgement. The Council has set out its views, with reference to evidence of on-street parking in the vicinity of the appeal site. Although there is flexibility in the approach to the provision of car parking, the Council has provided reasons why it considered the parking provision to be inadequate, and therefore contrary to the relevant development plan policies and national policy. I do not find that it has acted unreasonably in this regard.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Rafiq

INSPECTOR