



Costs Decision

Site visit made on 18 May 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2020

Costs application in relation to Appeal Ref: APP/F4410/W/20/3245250 43 Auckland Road, Wheatley, Doncaster DN2 4AF

- 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 Mrs Alicia Beardsall for a partial award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from a single dwelling to five flats.
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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's costs claim is made on the grounds that the Council has acted unreasonably in relation to reasons for refusal 2 and 3 on the decision notice. The claim does not include matters relating to reason for refusal 1. As a consequence, I have considered the claim on a partial basis.
4. Reason for refusal 2 concerns the effect of the proposal on the living conditions of the occupiers of neighbouring properties, including anti-social behaviour and security, amongst other matters. The applicant points to a lack of evidence, citing that South Yorkshire Police (SYP) were consulted but did not raise any objections.
5. SYP, in their representation to the planning application, made a number of comments. These included that vehicle parking to the rear of the premises should be avoided at all costs and that parking areas not under surveillance from the owner or passers-by are at risk of attack. The Council has referred in its appeal statement to security issues concerning parking to the rear, associated with SYP's comments. Accordingly, the Council's position is not without evidence and so it is not unreasonable in this regard.
6. Reason for refusal 3 centres on parking provision. The applicant states that too much weight has been given to the parking standards of an advisory document, planning policy is absent from the reason and that the Council's Highways Officer did not raise highway safety concerns.

7. The Council's case on these grounds is based on the standards that are set out in the Development Guidance and Requirement: Supplementary Planning Document (2015) (SPD). The National Planning Policy Framework (the Framework) confirms that such documents are capable of being a material consideration. The weight to be given to such a consideration is, therefore, a matter of judgement. The Council can point to that the proposed parking provision would be less than the standards in the SPD.
8. The Framework also sets out that supplementary planning documents add further detail to the policies in the development plan. The reason for refusal does not contain the development plan policy, or policies, which the SPD relates to. This omission constitutes unreasonable behaviour. The same applies by way of the Council's assertion that the proposal could cause parking pressures to arise elsewhere, due to a lack of substantive evidence. However, for a costs order to be awarded unnecessary or wasted expense in the appeal process also needs to have been demonstrated. The applicant would still have incurred these costs in the preparation of parking evidence because of the need to address the SPD parking standards.
9. As regards the representation of the Highways Officer that I have been made aware of, this predates the Planning Committee where the Council made its decision by some time. The representation refers to 1.5 spaces per unit as the basis of not objecting, which is not what is shown on the plans for my consideration. The Members of the Committee were, therefore, entitled to take a different view. Hence, this does not amount to unreasonable behaviour.

Conclusion

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

Darren Hendley

INSPECTOR