



Costs Decision

Site visit made on 04 July 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Costs application in relation to Appeal Ref: APP/V4305/D/24/3343942 95 Arncliffe Road, Halewood, Knowsley L25 9QE

- 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 Toni Dillon for a full award of costs against Knowsley Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a two-storey extension to side, single storey extension to rear, dormer loft conversion.
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Decision

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

Reasons

2. The Planning Practice 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. The applicant's claim for a full award of costs, at section E, does not contain any information on what unreasonable behaviour by the Council leading to unnecessary or wasted expense, that they consider to have occurred. The absence of a clear and concise application for costs makes it difficult to fully establish the applicant's case.
4. Notwithstanding the above, it is understood from the applicants appeal statement (AS) that the application for costs is due to lack of due diligence during the application process. The AS contains specific claims, that are embedded throughout, which relate to mistakes, contradictions, the misapplication of policies/guidance, within the officer's report (OR), and also the lack of negotiation.
5. The Council state that the OR forms the basis for the refusal and is robust and comprehensively supports their decision, and that their decision has been substantiated. They do not consider that they have acted in an inconsistent manner and that the issues could not have been addressed through the use of conditions. Finally, they confirm that the application was determined in a timely manner within the statutory time limits.
6. The OR of the Council is lengthy and assesses the effect of each element of the scheme in appropriate detail, coming to sound and logical conclusions. Therefore, I find that the OR is robust and substantiates the reasons for refusal. Specifically, the report acknowledges the redevelopment of the adjacent land (Elder Place), while it also makes appropriate reference to, and

acknowledges the existence of, the highway verge adjacent to the site. The Council have therefore appropriately considered development which has occurred in the area along with the existing site context. While there may be some minor errors within the OR, I do not consider that these are in any way significant and do not lessen the soundness of their conclusions.

7. The Householder Development Supplementary Planning Document (HDSPD) is a tool to help assess applications for householder development. The content of the HDSPD is guidance only and its wording need not be slavishly adhered to, this can also often be open to interpretation. Nonetheless, the OR identifies where the development complies with relevant parts of the HDSPD, but also where it has not. I find that the Council have assessed the development against the HDSPD appropriately and its guidance has not been misapplied.
8. The OR acknowledges that part of the development, or similar, may be permitted development. However, without certainty, the Council were entitled to raise some doubt about these elements. Furthermore, as these elements of the scheme form part of the application, the cumulative effects of the development ought to be considered.
9. I do not consider that the absence of comments from the Highways Authority to be critical. Whether a scheme delivers an appropriate level of off-street parking is an assessment which can be appropriately made by the case officer. Parking standards are clear, as detailed within the Ensuring a Choice of Travel Supplementary Planning Document, and the HDSPD. These SPDs also confirm that where sufficient off-street parking is not provided then this could have implications on highway safety due to the knock-on effect of vehicles parked on the street. The Council have substantiated their concern over additional on street parking in the area. While I have found in favour of the applicant on this matter, this is not tantamount to unreasonable behaviour as this is ultimately a matter of planning judgement.
10. With regard to engagement the applicants' position may be that the issues could have been resolved through simple negotiation. The AS confirms that the applicant received a telephone call from the Council advising their views on the application. I note that the OR does identify that materials could be dealt with via condition. However, the totality of the Councils concerns were greater than minor alterations and matters which they considered could be dealt with via condition. Therefore, the Council were more than entitled to come to an opinion on the application as they have done.
11. In any event, the Council does have a responsibility to determine applications in a timely manner, and applications should not be kept open in perpetuity. I also note that the applicant did not engage in pre-application discussions. Both the PPG and the Framework are clear in the benefits in early engagement with the Council.
12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

D Cleary

INSPECTOR