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## Costs Decision

Site visit made on 30 August 2016

**by A J Mageean BA (Hons) BPI PhD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 September 2016**

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**Costs application in relation to Appeal Ref: APP/M2325/W/16/3150374  
St Annes Medical Centre, Durham Avenue, Lytham St Annes, Lancashire  
FY8 2EP**

- 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 Harry Ashworth for a partial award of costs against Fylde Borough Council.
  - The appeal was against the refusal planning permission for retrospective approval to allow B1 use of existing second floor, demolition of 5 Stephen Street and extension to car park and proposed roof lift to existing medical centre to create additional office space on the second floor.
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### Decision

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

### Reasons

2. Paragraph 030 of the National Planning Practice Guidance (the NPPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The NPPG at paragraph 049 states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. This includes if they prevent or delay development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
4. The appellant states that the application which is the subject of this appeal should have been approved as the advice provided by the Council's highways adviser raised no objection to the proposal. Such advice was based on adopted parking standards and site visits. As a result the appellant considers that unnecessary and wasted expense has been incurred to defend the second reason for refusal in this case.
5. However, it is clear in this case that the planning committee gave consideration to the considerable number of objections relating to highways matters received during the processing of this application from local residents, the existing occupants of the site and other user groups. As this was a significant material consideration, site visits were undertaken to understand the particular

circumstances of this case, including the effect of on-street parking on the living conditions of the occupiers of nearby properties.

6. I accept that parking standards are to some extent a technical matter, however, it is clear that the particular circumstances of this site within a mature residential area meant the additional consideration of local living conditions led to a determination which was contrary to initial officer advice on this matter. Furthermore, it is also clear from details of current and proposed employment levels based at the site which emerged during the course of the appeal that the details of the parking requirements of this site were not fully understood during the application process. This information was required on the initial application form but not provided by the appellant at this time.
7. Whilst details of employment levels, parking arrangements, and the effects of such provision in the wider area could have been requested at the application stage, my view is that this would have been unlikely to have led to a different conclusion on this matter. It can be seen from my decision that I agree with conclusion of Council Members in relation to parking concerns.
8. Accordingly, I do not consider that Council Members acted unreasonably in coming to conclusion which differs from highways advice on this matter. They were entitled not to accept the professional advice of officers as long as the case could be made for a contrary view.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*AJ Mageean*

INSPECTOR