
Costs Decision

Site visit made on 23 January 2018

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State

Decision date: 16th February 2018.

**Costs application in relation to Appeal Ref: APP/M2325/W/17/3182109
St Annes Medical Centre and former railway platform, Durham Avenue,
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 of Rushcliffe St Annes PCC Ltd for a full award of costs against Fylde Borough Council.
 - The appeal was against the refusal of planning permission for “partial roof lift to existing medical centre to create additional office space on second floor, formation of additional parking facilities and landscaping on part of former railway platform”.
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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 considers that the Council behaved unreasonably in disregarding the advice of the Highway Authority and its professional officers. It is argued that the planning application should not have been refused for the reason stated on the decision notice, and as a consequence the applicant has incurred unnecessary expense in pursuing the appeal.
4. It is clear from the Planning Officer’s report, and the advice of the Highway Authority, that it was considered the development would not be detrimental to highway safety. However, it was acknowledged that the development would lead to increased parking on nearby streets, which may be considered an amenity issue for residents. The members of the Planning Committee accepted the advice insofar as the reason for refusal did not state that the development would be detrimental to highway safety. Ultimately, the Committee disagreed with its Officers over the likely levels of on-street parking, and the magnitude of the impact on residents.
5. The Committee formed an opinion after hearing evidence from its professional advisers and from local people. The Committee are entitled to reach a different view, provided this is based on evidence. Although I disagreed with the Council over the impact of the development on the living conditions of residents, the concerns expressed were not without foundation.

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

Debbie Moore

Inspector