



Costs Decision

by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 20.12.2023

Costs application in relation to Appeal Ref: CAS-02813-H6S5W1

Site address: Glebe Farm, Livery Yard, Lane from Glebe Farm to A495 The Smithy, Bronington, SY13 3HU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr and Mrs S Parker for a full award of costs against Wrexham County Borough Council.
 - The appeal was against the grant subject to conditions of planning permission for creation of car parking area (in retrospect).
 - A site visit was made by the Inspector on 14 November 2023.
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Decision

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

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. An award for costs is sought on substantive grounds, with the applicant suggesting on the Appeal Form that condition No 4 attached to planning permission Ref 2022/0496 is unreasonable, given the effort and scheme arrived at with the planning officer. The Council has not responded to the costs application.
4. Condition 4 requires details of a 2m-high fence to be submitted for written approval from the Council. The condition is intended to provide screening between the appeal site and the neighbouring property, Llynbedydd House. It was imposed by Members at the planning committee meeting, having undertaken a site visit to examine the site context and relationship with the property.
5. Planning committee Members are entitled to make decisions contrary to the officer recommendation. Indeed, paragraph 3.9 of the Annex advises as much. However, it also adds that local planning authorities are expected to show they had reasonable planning grounds for taking a decision contrary to the professional or technical advice given by their own officers or from statutory consultees and that they are able to produce relevant evidence to support their decision.

6. I recognise that planning judgement is involved in reaching decisions, but this should be set within the context of the evidence and other material considerations including relevant decisions. In this instance, a comprehensive discussion, supplemented by officer advice, ensued at the committee meeting, based on the evidence provided and observations from the site visit.
7. I am therefore satisfied that the reason for imposing the condition was clear and substantiated. Although I ultimately found that the condition was not necessary, and removed it from the planning permission, I do not consider that the Council acted unreasonably in imposing it. Consequently, the applicant did not incur unnecessary or wasted expense in pursuing the appeal.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Annex, has not been demonstrated. The application for an award of costs is refused.

I Stevens

INSPECTOR