



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21 Chwefror 2022

gan Nia Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.03.22

Appeal Decision

Site visit made on 21 February 2022

by Nia Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 24.03.22

Costs application in relation to Appeal Ref: CAS-01485-M5L9N0

Site address: 3 The Gardens, Holt, Wrexham LL13 9JW

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.
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- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Olga Greyling for a full award of costs against Wrexham County Borough Council.
 - The appeal was against the refusal of planning permission for Outbuilding, front porch, wall, boundary fence and pergola.
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Decision

1. The application for a full 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. In summary, the applicant's case is that the Planning Committee, against the advice of its Officers, acted unreasonably in refusing planning consent with weak reasons for refusal.
4. The Officer's report discussed the scale and prominence of the proposals in their context including within the designated Conservation Area. The report sets out in particular that mitigation measures would be required to make part of the proposals acceptable.
5. The Annex advises that local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had

reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision.

6. The Planning Committee also considered the scale and prominence of the proposals and were aided in their assessment by photographs of the site showing the development in situ. Having weighed relevant considerations, the Planning Committee concluded that the proposals would have a detrimental impact on the property, the streetscene and on the Conservation Area, and cited relevant development plan policies in support of their view.
7. In the above circumstances, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not justified.

Nia Jones

Inspector