



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 16/03/22

**gan C MacFarlane BSc(Hons) MSc
MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 13.04.22

Costs Decision

Site visit made on 16/03/22

**by C MacFarlane BSc(Hons) MSc
MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 13.04.22

Costs application in relation to Appeal Ref: APP/H6955/A/21/3276889

Site address: Halen-y-Ddaear, Higher Lanes, Higher Wych, Whitchurch SY14 7J

The Welsh Ministers have transferred the authority to decide this application to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr Ifor Edwards (IC & AL Edwards) for a full award of costs against Wrexham County Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a four bed dwelling for the agricultural occupancy of Mr & Mrs Edwards, with a detached double garage, workshop and office for farm management.
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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. The applicant contends that unnecessary expense was incurred during the planning application stage due to the production of a second Rural Enterprise Dwelling Appraisal and an Ecological Report.
4. In requesting a further dwelling appraisal to be produced, the Council acted in accordance with the guidance contained in section 4.7 of Welsh Government's Technical Advice Note 6 'Planning for Sustainable Rural Communities', which requires applications to be accompanied by robust evidence to enable a full and effective assessment of the proposal, and that planning authorities should seek the necessary information in the first instance. With regard to the Ecological Report, contrary to the applicant's assertion, the Council did not refuse the application on ecological grounds. The Council's Officer Report identifies ecological concerns and refers to more detailed information being required, with a planning condition suggested as part of the appeal process to address this matter. The

Council therefore acted reasonably in both matters, by requesting information it considered necessary to fully assess the planning application. In any event, paragraph 2.8 of the Annex is clear that costs cannot be claimed for the period during the determination of a planning application.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. A partial or full award of costs is therefore not justified.

Conclusion

6. For the reasons given, the costs application is refused.

Claire MacFarlane

INSPECTOR