
Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 2 Tachwedd 2021

gan N Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06/01/2022

Costs Decision

Site visit made on 2 November 2021

by N Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 06/01/2022

Costs application in relation to Appeal Ref: APP/H6955/A/21/3281507

Site address: Land at Quarry Brow, Gresford, Wrexham, LL12 8SG.

The Welsh Ministers have transferred the authority to decide this appeal 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 Mrs L Clark for a partial and full award of costs against Wrexham County Borough Council.
 - The appeal was against the refusal of planning permission for new single dwelling.
-

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's case is made on two counts: firstly, that a partial award of costs should be made on the basis that the introduction of new unseen highways information at a late stage in the appeal process required the appellant to incur consultancy fees to address the concerns of the highway authority; and secondly, that should the appeal have been dismissed on highway safety matters, the applicant would have been significantly disadvantaged due to insufficient time to fully consider the available options. On the latter point, a full award of costs is sought.
4. Nonetheless, the Council is clear in its statement that it was not raising an objection on highway matters. It has also provided a list of all the consultees notified of the appeal, and there is no evidence to suggest that the highway authority was the only statutory consultee. Whilst the late submission of the highway authority's comments was

unfortunate, they formed part of the appeal documentation that is required to be submitted during the appeal process. Indeed, withholding evidence can amount to unreasonable behaviour in itself and it was therefore appropriate for the planning authority to include the comments at the appeal stage. In addition, highway safety concerns were raised during the application process. Many of the objections submitted by interested parties, including the Gresford Community Council, raised such concerns, with some making specific reference to an increase in traffic and inadequate visibility at the access. The applicant was therefore already aware of these highway concerns before the appeal was made and had sufficient time to address them. In the above circumstances, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Conclusion

5. The costs application is refused.

Nia Jones

Inspector