



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 2 Tachwedd 2021

gan Nia Jones, BA (Hons) MSC MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/01/2022

Costs Decision

Site visit made on 2 November 2021

by Nia Jones, BA (Hons) MSC MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/01/2022

Costs application in relation to Appeal Ref: APP/H6955/A/21/3280669

Site address: 76 Chester Road, Gresford, Wrexham, LL12 8PA.

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

- The appeal is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Ms Rachel Lloyd for a full award of costs against Wrexham County Borough Council.
- The appeal was against the refusal of planning permission for Change the Use of Police Station to a Day Nursery

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. In summary, the applicant's case is that the Council acted unreasonably in refusing the application without adequate evidence and without offering the applicant an opportunity to respond to the concerns.
4. The application was subject to consultation with the Highway Authority whose concerns were detailed in a number of memoranda. The applicant was given the opportunity to provide further information in response to the concerns and a Highway Assessment was subsequently provided and assessed by the Highway Authority. In a memorandum dated 15 June 2021, the Highway Authority set out clear reasons for not supporting the proposal, and the Council subsequently refused the development. Although my findings in the main decision highlight a lack of robustness to some of the evidence, I am satisfied that the Council's decision was clearly and reasonably articulated based on the evidence available. In particular, the reasons for the Highway Authority's concerns were clearly set out, and the applicant was given sufficient opportunity to respond.

Conclusion

5. I conclude that the Council has not acted unreasonably and did not cause the applicant to incur unnecessary or wasted expense in pursuing the appeal. The costs application is therefore refused.

Nia Jones

Inspector