Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Costs Decision

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by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24.04.2026

Costs application in relation to Appeal Ref: CAS-04730-H6Z7N8

Site address: 122 Rhosddu Road, Wrexham, LL11 2NG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
- The application is made by Mrs Natasha Ware for a full award of costs against Wrexham County Borough Council.
- The appeal was against the refusal of the Council to grant planning permission for t a change of use from C3 (Dwellinghouse) to C4 HMO (for up to 4 people).
- A site visit was made by the Inspector on 14 April 2026.

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 claims a full award of costs on the basis that the Council acted unreasonably with respect to the substance of the matters under appeal. 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. By refusing permission, the Council prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The Council's response is that it has demonstrated reasonable planning grounds for taking a decision contrary to officer advice and its reasons for doing so, including sound planning policy grounds taking into account of an assessment of the site-specific constraints, have been set out its statement of case.
5. Consideration of planning applications and appeals involves matters of judgement which are at times finely balanced. In this case, whilst in my appeal decision I didn't agree with the Council, nonetheless I consider they provided adequate evidence and reasonable

planning grounds to justify refusal reason 1. The Council's Local Planning Guidance Note 5 'Houses in Multiple Occupation' (LPGN 5) is a guidance rather than a policy document. Ultimately the Council's decision in relation to the adequacy of outdoor space was a matter of planning judgment and balance, and this cannot be construed as unreasonable behaviour.

6. In relation to the second reason for refusal, the Highway Authority did not raise any existing concerns locally. In assessing the intended scheme, the Highway Authority had clearly set its mind to the requirements of LDP Policy T8 in identifying the parking requirement for the type of development proposed, acknowledging that no parking provision would be made, and paying special regard to the availability of public transport nearby, the proximity to public car parking, and the proximity to local services and facilities in arriving at a balanced recommendation. The Committee Report set out 2021 Census details of car ownership locally indicating that demand for parking was likely to be low. The Committee Report also set out local concerns but contained clear and detailed reasons as to why the proposal would not be harmful to highway safety.

7. However, whilst it sought to rely on maximum parking standards set out within its Local Planning Guidance Note 16: Parking (LPGN 16), which is also a guidance rather than a policy document, no substantive case or technical evidence to support the Committee's reasons for departing from the advice of its Officers was provided in support of the second reason for refusal. The Council did not demonstrate how the appeal scheme would lead to an intensification of the occupancy of the existing dwelling or of any existing on street parking pressures which it alleges the intended use of the property would compound.

8. Accordingly, the Council has acted unreasonably by failing to produce evidence to substantiate the effect of the development on highway safety. This reason for refusal was without any clear foundation, and the Council made a decision against the professional advice of its officers without there being reasonable planning grounds to do so.

9. Even so, the applicant has not demonstrated how responding to the highway reason for refusal has led to additional unnecessary or wasted expense in pursuing the appeal which, given the Council's objection to the outdoor amenity space, could not have been avoided.

10. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and that a full award of costs is not justified.

N Jones

INSPECTOR