

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 17 JANUARY 2012
 title: PLANNING APPEAL AT WHALLEY ROAD, BILLINGTON
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: JOHN MACHOLC

1 PURPOSE

1.1 To advise Committee in relation to the application for costs following the allowed planning appeal at Whalley Road, Billington.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – }
- Corporate Priorities – } To be a well-managed Council providing efficient services based on identified customer need.
- Other Considerations – }

2 BACKGROUND

2.1 This application was originally recommended for approval at the Planning and Development Committee dated 20 January 2011. Notwithstanding the officer's recommendation, it was to approve the scheme subject to appropriate conditions, Planning and Development Committee overturned the officer's recommendation and refused the application for the following reason:

The proposed development is considered contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that the proposal would be detrimental to highway safety due to individual access points on Whalley Old Road and also would lead to an over burden on existing infrastructure provision in terms of drainage, health and education facilities.

2.2 Following the refusal, a planning appeal was submitted and the appeal was allowed on the 25 November 2011. As part of the appeal process, the applicant made an application for costs against the Council based on unreasonable behaviour and the Inspector considered the application with costs and granted full costs.

2.3 The applicant has now submitted a claim for costs which is now the subject of payment.

3 ISSUES

3.1 I am of the opinion that the actual submitted cost is excessive having regard to the fact that certain elements of the work such as unilateral undertaking and solicitor's fees would have been required in relation to the planning application irrespective of the appeal. On this basis, I wish to advise Members that I have requested further consideration as to the amount of costs but it is clear that eventually the Council will

have to pay a significant proportion of the submitted costs. The current claim is for around £20,000.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – No significant impact other than additional time of officers defending the cost claim.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – If the Council continues to receive cost awards in relation to appeals this would reflect badly on the overall service and reputation.
- Equality & Diversity – No implications identified.

5 CONCLUSION

5.1 That Committee note the report.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1. Planning application 3/2010/0751/P – residential development, Whalley New Road, Billington.
2. Appeal decision APP/T2350/A/11/2156765.

For further information please ask for John Macholc, extension 4505.

REF: JM/EL/170113/P&D