

**PLANNING APPEAL DECISION COSTS AWARD -
175 DIDSBURY ROAD, SK4 2AE**

Report of the Corporate Director for Place Management & Regeneration

1 INTRODUCTION

- 1.1 In April 2019, Members of Heatons and Reddish Area Committee refused planning permission for 'planning permission for building extension, partial conversion and change of use from Class C3 (Residential Dwelling) to Class D1 (Non-Residential Institution) pre-school and day nursery without complying with condition 17 attached to planning permission DC/062694, dated 17 March 2017; and the retention of children's natural play area to rear of existing Nursery site'. The proposal sought to increase the number of children at the nursery from 34 - 45, a change which the Inspector considered not to be a significant rise. He further considered that *"the proposal for up to 11 additional children would not intensify noise levels to an extent which would adversely affect the living conditions of neighbouring occupiers."*
- 1.2 The Council received notification that the appeal against the refusal had been upheld on 29th October 2019. As well as granting planning permission for the development the Inspector concluded that the Council had, in refusing planning permission, acted 'unreasonably' and granted a full award of costs in the appellants favour.
- 1.2 A copy of the appeal decision and costs decision are attached to this report.

2 REASON FOR THE AWARD OF COSTS

- 2.1 In finding that the Council had acted unreasonably in refusing the application, the Inspector acknowledged that whilst *"the Council is not duty bound to follow advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning"*. He noted that the Council's Environment Noise Team had not raised any objections to the proposal in terms of adverse effects on living conditions of neighbouring occupiers in respect of noise. It was concluded that has no evidence had been presented to substantiate a different position other than by means of a *vague assertion* that an increase in child places and the size and siting of the proposed play area would result in detrimental effects to neighbouring occupiers, that this amounted to unreasonable behaviour.
- 2.3 The Council has now been provided with evidence of costs associated with the appeal and these amount to a total of £4,597.50 covering the costs of the planning consultant, architect and transport consultant.

RECOMMENDATION

- 3.1 Members of the Area Committee are asked to agree that the costs associated with this appeal should be paid from the Area Committee delegated budget.

BACKGROUND PAPERS

Appeal decision

Costs decision

Anyone wishing to inspect the above background papers or requiring further information should contact Emma Curle on telephone number 0161 474 3542 or alternatively email emma.curle@stockport.gov.uk