
Costs Decision

Site visit made on 31 October 2016

by Rachel Walmsley BSc MSc MRTPI

Decision date: 21 November 2016

Costs application in relation to Appeal Ref: APP/C3430/W/16/3155277 10 Littlewood Road, Cheslyn Hay WS6 7EU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Jason Ward for a partial award of costs against South Staffordshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for a proposed detached bungalow.
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Decision

1. The application for an award of costs is refused.

Reasons

2. I have considered this application for costs in light of the Planning Practice Guidance (PPG). Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Planning Officer's report to committee reported a distance of 0.5 metres between No 10 Littlewood Road and the proposed new dwelling but a late item was presented to Committee that corrected this measurement to 1 metre. Paragraph 1.6 of Appendix 6: Space About Dwellings in the South Staffordshire Core Strategy¹ states that the standards quoted are minimum standards and that the level of provision should be related to the size of the dwelling.
4. In refusing the planning application, Members considered the minimum distance of 1 metre to be inadequate. I have no evidence before me to suggest that Members disregarded the evidence presented to them. Whilst 1 metre would comply with the guidance in the Core Strategy, it is reasonable for Members to consider the need for a distance greater than this, in light of other matters before them and the flexible approach promoted in the Core Strategy.
5. From the evidence before me I am satisfied that Members considered the distance on the plan correctly and reached a justified conclusion on its appropriateness in accordance with the Core Strategy. I find, therefore, that the Council assessed the proposal against the relevant policies of the

¹ Local Plan for South Staffordshire, Core Strategy Development Plan Document (Adopted 11 December 2012)

development plan and considered all relevant aspects of the planning application to reach its conclusion.

Conclusion

6. In light of the above I have found that the Council has not behaved unreasonably in reaching its conclusions and therefore I conclude that a partial award of costs, towards the expense of the appeal, is not justified.

R Walmsley

Inspector