
Costs Decision

by Andrew R Hammond MSc MA CEng MIET MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 March 2017

**Costs application in relation to Appeal Ref: APP/J3720/W/16/3142909
Orchard View, Croft Lane, Temple Grafton B49 6PW**

- 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 Riley Smith for a partial award of costs against Stratford on Avon District Council.
 - The hearing was in connection with an appeal against the planning permission for change of use to a residential caravan site with associated operational development on land at Croft Lane, Temple Grafton, Alcester, Warwickshire B49 6PA in accordance with the application Ref 15/02428/VARY dated 29 June 2015.
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Decision

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

The submissions for Mr Riley Smith

2. The application was made in writing with expansion at the Hearing.
3. The basic premise is that just 4 days before the Hearing the Council submitted an updated table setting out the supply of pitches with permanent permission which fundamentally altered the Council's case with regard to unmet need.
4. The information, from the May 2016 caravan count had been available to the Council for some time and there was no reason why it could have not been provided earlier.
5. The Council therefore acted unreasonably by delaying the provision of information and by introducing fresh and substantial evidence at a late stage necessitating extra expense.

The response by Stratford on Avon Council

6. The material provided was not intended as late evidence but updated data intended to assist the discussion at the Hearing. The Council did not contend that there was no longer an unmet need and there was no indication in the material provided as to the suitability or deliverability of the identified pitches.

Reasons

7. The information provided by the Council was merely an updated account of pitches with planning permission. It did not purport to be a definitive list of available sites nor did it suggest that there was no longer a shortfall and there was no significant change in the Council's case at the Hearing.

8. The failure of the Council to identify a 5 year supply of pitches, whilst forming part of the appellant's case, was not crucial to the outcome of the appeal and, in any event, the appellant's case was not weakened by the provision of the updated information.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Hammond

Inspector