The Planning Inspectorate

Costs Decision

Site visit made on 4 April 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 21st April 2017

Costs application in relation to Appeal Ref: APP/P1805/W/16/3163679
68 New Road, Bromsgrove B60 2LA

- 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 Dr R Solanki for a full award of costs against Bromsgrove District Council.
- The appeal was against the refusal to grant planning permission for a single storey extension.

Decision

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

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs can be awarded against a party who has behaved unreasonably and thereby caused the costs applicant to incur unnecessary expense in the appeal process.

3. The applicants' case is substantive in nature. For substantive matters, the PPG advises that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Importantly, any unnecessary costs identified must relate to the appeal process.

4. The Planning Officer's report to the Council's Planning Committee recommended that the planning application be approved. However, as the applicant and his planning advisor will appreciate, a local planning authority (LPA) is not bound to accept the recommendations of its officers. Where the professional or technical advice within a Planning Officer's report is not followed, the LPA will need to show reasonable planning grounds for taking a decision contrary to its professional officer's recommendation. The LPA is expected to produce evidence to substantiate each reason for refusal to support its decision in all respects.

5. The reason for refusal related to issues of character and appearance but it also followed an earlier appeal where the Inspector was highly critical of the "cluttered complexity" that would be created by an extension, although of a different design and position on the site, and the resulting cumulative overdevelopment of the site. A previous appeal decisions is an important material consideration. Clearly, the views of the previous Inspector were taken

into account when the present proposal was considered by the Council. So too were relevant policies at both the local and national level.

6. Whilst the applicant may not agree with the Council and I have not found in the Council's favour, it is a matter of judgement. There is no call to say that the Council was unreasonable in its judgement, merely that it gave these issues different weight. I note in particular that the Committee members carried out a detailed site inspection prior to the determination of the application. In my view, the Council amply explained its objection to the proposal and the harm that would be caused in its view to the character and appearance of the area. There is nothing to suggest that it gave undue weight to third party representations. The principal thrust of representations received related primarily to highway and parking concerns. The Council resisted the temptation to include additional reasons for refusal thereby limiting its considerations to the matters that had been of previous concern to the Council and which were indeed echoed by the Inspector at the previous appeal.

7. In conclusion, although I can understand the applicant's frustration having produced a worthy scheme with the backing of Council officers, I find that on the substantive grounds, the Council did not act unreasonably. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

Gareth W Thomas

INSPECTOR