
Costs Decision

Site visit made on 19 April 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 18 May 2017

**Costs application in relation to Appeal Ref: APP/C4615/W/16/3167640
King Edward VI Sports Ground, Swinford Road, Old Swinford, Dudley DY8
2LD**

- 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 The Trustees, Kind Edward VI College for a full award of costs against Dudley Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for formation of access of Oakleigh Road and provision of 15 No. parking spaces.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance advises that, 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. 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 an application or by a failure to produce evidence to substantiate each reason for refusal on appeal.
 3. It is open to the Council's Planning Committee to determine a planning application against the recommendation of its professional officers. However, it must show reasonable planning grounds for doing so and must be able to support that decision in all respects. It is apparent from the evidence that the Committee members weighed the advice of the professional officers against the many representations received and also made their own assessment of the likely effects of the proposal by undertaking a visit to the site and its surroundings. Their decision to refuse permission was, therefore, taken with due consideration of all the material issues.
 4. The Council's appeal statement provided a detailed explanation of its case and set out evidence to substantiate each of the reasons for refusal. Having considered all of the evidence I have concluded that the appeal should be allowed and that both reasons for refusal should be upheld. Irrespective of the outcome of the appeal, there is no evidence that the Council has acted unreasonably either in its consideration and determination of the application or in the manner in which it has supported that decision in the appeal process.
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Conclusion

5. Accordingly, I find that there has been no unreasonable behaviour on the Council's part and that the appellant has not incurred any unnecessary or wasted expense in relation to the appeal. The application for an award of costs is, therefore, refused.

Paul Singleton

INSPECTOR