

Costs Decision

Hearing held on 3 August 2017

Site visits made on 2 and 3 August 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 07 September 2017

Costs application in relation to Appeal Ref: APP/J3720/W/16/3164101 Land north of Mill Lane, Broom, Bidford-on-Avon, Warwickshire B50 4HP

- 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 Boswell for a full award of costs against Stratford on Avon District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for change of use of land to use as a residential caravan site for one gypsy family with two caravans, including no more than one static caravan, together with laying of hardstanding, construction of driveway and amenity building without complying with a condition attached to planning permission Ref 13/01229/FUL, dated 20 May 2013.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and where this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The submissions for the applicant were made in writing in advance of the Hearing. The response by the Council was submitted in writing at the Hearing. The applicant's final submissions were made orally at the Hearing.
 4. The appellant makes no reference to the specific criteria in the Guidance against which the Council may have fallen foul such that an award of costs is justified. The arguments put forward are those already rehearsed in relation to the main appeal, namely that the Council should have granted planning permission as its reasons for refusal had already been considered and dismissed at the appeal in relation to the original planning application.
 5. I do not, however, consider this to be convincing. The previous appeal related only to a single pitch, whereas the proposal before me sought to double this provision, with its potential commensurate implications.
 6. I may have reached similar conclusions to my colleague in the previous appeal but that was not a forgone conclusion. Indeed, as I have noted in my main decision, matters of fact and degree are perfectly legitimate considerations. Just because one pitch was found to be suitable in a given location does not
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mean that there is an automatic case that additional pitches would be equally appropriate. Taken to its logical conclusion, such an argument could result in the unconstrained development of any given area.

7. It is unfortunate that the timing of the application to discharge the drainage condition did not correlate more closely with the appeal proceedings, but that is not something that could have been foreseen by either party. As such, the Council's decision not to pursue its reason for refusal in relation to that matter is entirely reasonable.

Conclusion

8. Thus, I do not consider that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has been demonstrated.

Richard Schofield

INSPECTOR