The Planning Inspectorate

Costs Decisions

Site visit made on 5 October 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 08 November 2017

Costs application (A) in relation to Appeal Ref: APP/H1840/W/17/3177663
Land to West of Chapel Road, Chapel Road, Pebworth, Stratford upon Avon CV37 8XJ

- 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 Rooftop Housing Association for a full award of costs against Wychavon District Council.
- The appeal was against the refusal of planning permission for rural exception housing development (14 dwellings) with associated access and landscaping.

Costs application (B) in relation to Appeal Ref: APP/H1840/W/17/3177678
Land to West of Chapel Road, Chapel Road, Pebworth, Stratford upon Avon CV37 8XJ

- 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 Rooftop Housing Association for a full award of costs against Wychavon District Council.
- The appeal was against the refusal of planning permission for rural exception housing development (12 dwellings) with associated access and landscaping.

Decision

1. The applications A and B for an award of costs are dismissed.

Procedural Matters

2. For ease of reference I refer to the different cases as applications A and B in this decision letter as set out in the headers. I have dealt with each application on its individual merits but to avoid duplication have considered them together in this document. Although the applications relate to two appeals, I have used singular terms in places for ease of reading.

3. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.

Reasons

4. The PPG 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.

5. The appellant claims that the Council acted unreasonably in refusing planning permission on the basis that it failed to follow the professional advice of its officers, making unfounded and inaccurate assertions about the proposals impact relating to density and unmet need, unsupported by any objective analysis.

6. The Council took account of the outline planning permission at the Sims Metal site at Long Marston which would include 133 affordable units and that a reserved matters application for phase 1 had been submitted. However, it did not apply the weight that I have done in my appeal decisions in respect of the reserved matters application not having been approved and there being unresolved issues, including in respect of a proposal to reduce the level of affordable housing on the site. In respect of the density of development, this was a matter of judgement in light of the schemes both having a greater density than the average set out in policy SWDP13 of the South Worcestershire Development Plan, albeit that the figure concerned is expressed as a broad indication and not a maximum.

7. Notwithstanding my findings in respect of the appeals, I consider that the Council clearly set out the reasons for refusal in its decision notices based on relevant adopted planning policy. Those reasons for refusal were also based on discussions held at the planning committee, as recorded in the minutes of that meeting, and further explained in the Council's appeal statement.

8. In conclusion, for the above reasons, I find that the Council did not behave unreasonably in determining the applications and that, therefore, the applicant's costs in pursuing the appeals were not unnecessarily incurred or wasted. For this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR