



Costs Decision

Site visit made on 8 November 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 17th November 2017

Costs application in relation to Appeal Ref: APP/P1805/D/17/3180909 1 Cobham Close, Bromsgrove B60 3LA

- 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 Mrs Alison Ramlal-Price for a full award of costs against Bromsgrove District Council.
 - The appeal was against the refusal of planning permission for what was originally described as the *"addition of an assisted living, kitchen/living area and first floor bedroom. This is being built to accommodate the applicant's elderly mother who has moved in with the family"*.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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.
3. The applicant's application for costs refers to the unreasonable behaviour of the Council in not determining the original planning application. As the Council did determine the application prior to the appeal being submitted, and I have no evidence of any unnecessary delay in its determination, then I do not consider there is any evidence of unreasonable behaviour in this regard. There is nothing substantive before me to suggest unreasonable behaviour in relation to timeliness of either the planning application or the appeal process.
4. The applicant's submission also states that the Council's refusal of the proposal is in itself unreasonable and has led to delays and the cost of going to appeal. I noted that following pre-application advice from the Council, the proposal was amended but was subsequently refused owing to the impact on the character and appearance of the area. While I have not accepted the Council's position, this is still largely a matter of planning judgement and it is not unreasonable in principle for them to have come to the decision that they did. There is nothing to suggest that in such circumstances the decision of the Council resulted in an unnecessary appeal or avoidable delays.
5. There is no other substantive evidence before me from the applicant which suggests any other unreasonable behaviour by the Council.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S J Lee

INSPECTOR