
Costs Decision

Site visit made on 8 January 2018

by Andrew Hammond MSc MA CEng MIET MRTPI

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

Decision date: 08 February 2018

Costs application in relation to Appeal Ref: APP/H1840/C/17/3177567 Winterfell, Bricklehampton, Evesham

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Jack Gittens for an award of costs against Wychavon District Council.
 - The appeal was against an enforcement notice alleging unauthorised change of use of land.
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Decision

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

The Case for Mr Gittens

2. The Council acted unreasonably in introducing conflict with policies not mentioned either in the decision on the planning application or the Enforcement Notice. To introduce new arguments at a late stage disadvantaged the appellant and resulted in unnecessary costs.

The Case for the Council

3. The council did not include policies SWDP21, SWDP23, SWDP24 and SWDP29 in the Enforcement Notice and were only added to the Councils Statement to draw the Inspectors attention to them. It is for the Inspector to decide if these policies are to be considered or removed.

Reasons

4. The Planning Practice Guidance 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.
5. By drawing attention to other development plan policies which might be applicable, without specifying conflict with those policies the Council has not caused the appellant to engage in additional work involving wasted expense.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Hammond

Inspector