
Costs Decision

Site visit made on 24 July 2018

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2018

Costs application in relation to Appeal Ref: APP/H1840/W/17/3190024 Long Carrant Park, Cheltenham Road, Ashton-under-Hill WR11 7QP

- 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 Malcolm Portman for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for proposed extension to Longcarrant Views Caravan Park to allow for the relocation of 7 approved mobile park homes together with landscape planting (resubmission of application).
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Decision

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

Reasons

2. Planning Practice Guidance (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.
3. The appellant considers that there was unreasonable behaviour by the Council for a number of reasons considered below, which resulted in the appeal against the refused planning application.
4. The crux of the appellant's argument is that the Council interpreted and determined the application incorrectly as 7 additional mobile home units in the open countryside. Whereas, according to the appellant the proposed scheme is for the relocation of 7 mobile homes, which were already approved as part of a total of 52 at the permitted caravan park. Nevertheless, and notwithstanding the description of the proposed scheme, the Council's approach in interpreting and determining the appellant's application is a matter of planning judgement.
5. Also, central to resolving the above matter was the Council's requirement for the appellant to relinquish extant planning permissions relating to the appeal site through the provision of a legal agreement. I note that this matter was raised by the Council on the 27 January 2017¹. I have also noted the appellant's offer on the 25 May 2017² to provide the legal agreement. Irrespective of this, the Council still had concerns over the safeguarding of the open countryside. Therefore, even if an acceptable legal agreement had been

¹ E-mail from Council's case officer to appellant's agent dated 27 January 2017

² E-mail from appellant's agent to Council's case officer dated 25 May 2017

secured before the grant of planning permission, from the information available to me the Council were still minded to refuse the application.

6. Based on its Delegated Decision Report I am satisfied that the Council had clear regard to the planning status of the appeal site in relation to the permitted caravan park area. Moreover, having considered the evidence provided in support of their reasons for refusal, I am satisfied that the Council reached their stance on these matters based on reasoned planning judgements.
7. For the above reasons I conclude that the Council did not unreasonably withhold the grant of planning permission due to a misunderstanding of the basis of the application.
8. Although I have supported the appellant's appeal based on other material considerations, I have also found that the proposal conflicts with the South Worcestershire Local Plan (2016) (SWDP). The weight I have afforded to the other material considerations is a matter of planning judgement. Consequently, I disagree with the appellant that the Council has prevented development which could reasonably have been permitted as it is in accordance with the SWDP.
9. Given all of the foregoing, I find that the Council did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG has not been demonstrated.

M Aqbal

INSPECTOR