
Costs Decision

Site visit made on 17 December 2018

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2019

Costs application in relation to Appeal Ref: APP/J1860/W/18/3201427 Bluebell Farm, Pershore Road, Earls Croome, Worcestershire WR8 9DJ

- 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 Malvern Hills District Council for full award of costs against Mr Ball.
 - The appeal was against the refusal of planning permission for a live/work unit.
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Decision

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

Reasons

1. Planning Practice Guidance (PPG) sets out that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. It goes on to explain that an appellant is required to behave reasonably in relation to procedural matters on the appeal and is at risk of an award of costs being made against them if the appeal or grounds of appeal had no reasonable prospect of succeeding¹.

Grounds 1 and 2

2. The drawings referred to in section J part 09a of the appeal form actually only include a single plan that the Council had not previously seen. This is a proposed ground floor plan drawing no. 1728 040 Revision A that shows an internal layout for the stabling of horses.
3. The Council argues that in providing this drawing, the appellant has introduced a fundamentally different scheme. I disagree. The Council were fully aware of the proposed potential equestrian use of the building as referenced within a number of sources such as the description of development on the refusal notice and within the officer report.
4. The Council nonetheless considers that the building would most likely require external alterations. However, there is no substantive evidence as to why this may be the case and from my own observations, I am far from convinced that it would. Furthermore, I see no compelling reason why internal alterations could not be made to provide interchangeability between uses should the need arise.

¹ Paragraph: 052 Reference ID: 16-052-20140306 and Paragraph: 053 Reference ID: 16-053-20140306

5. Moreover, a case has not been made out to demonstrate that the submission of the above drawing has caused the Council to incur wasted expense in the appeal process, given that the appeal had been made anyway and the Council was obliged to set out its case. Any additional work resulting from the provision of one additional plan would be negligible.

Conclusion

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

Hayden Baugh-Jones

Inspector