The Planning Inspectorate

Costs Decision

Site visit made on 19 January 2015

by Joanne Jones BSc(Hons) MA MRTPI

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

Decision date: 17 February 2015

Costs application in relation to Appeal Ref: APP/J1860/A/14/2227378 Malvern Caravans, Malvern Road, Powick, Worcester WR2 4SN

- 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 Nick Jones for a full award of costs against Malvern Hills District Council.
- The appeal was against the refusal of planning permission for an outline planning application for the development of 6 (2 pairs of semi-detached and 2 detached) dwellings and associated development.

Decision

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

Reasons

2. Paragraph 030 of the National Planning Practice Guidance (NPPG) advises 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.

3. The appellant's application for an award of costs relies substantially on the fact that subsequent Planning Officers failed to properly consider or accept the recommendations of previous Officers, resulting in significant expense in providing supporting documentation.

4. Considerations of planning applications necessarily involve matters of judgement and Local Planning Authorities are not bound to accept the recommendations of their existing (or former) Officers.

5. Paragraph 187 of the National Planning Policy Framework states that 'Local planning authorities should look for solutions rather than problems…'. It is explicit that this is in relation to sustainable development where possible in order to achieve developments that improve the economic, social and environmental conditions of the area. In this regard the Council has acted reasonably in requesting further information on issues such as highways, noise and drainage.

6. The Council cited certain appeal decisions elsewhere in support of its case. For the appellant, others regarded to be in his favour were drawn to my attention. Both parties outlined perceived differences between the appeal proposal and those in appeal cases cited by the other party. In my decision, I reached the

view that the circumstances of each site were different such that the case before me had to be decided on its individual merits.

7. Nonetheless, I can see that the Council could have drawn an inference from conclusions made in other appeal decisions that a site such as this located beyond a settlement boundary and governed by Local Plan Policy DS1 might be considered contrary to Framework policy and thus unsustainable.

8. With this in mind and whilst my findings were different to those drawn by the local planning authority, I do not consider that this is a case which it should have regarded as being one which should be clearly permitted, having regard to the development plan, national policy and other material considerations.

9. In summary, whilst I did not share the Council's view, I am satisfied on balance that the evidence it produced constitutes a respectable basis for the stance that it took.

10. I therefore find that unreasonable behaviour by the local planning authority resulting in unnecessary expense being incurred by the appellant, as describe in the Planning Guidance has not been demonstrated.

Joanne Jones

INSPECTOR