
Costs Decision

Site visit made on 28 May 2019

by S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Costs application in relation to Appeal Ref: APP/W1850/W/19/3221618 Land at Lovers Walk, Gorsley, Herefordshire (Grid Ref:367875:226026)

- 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 Hickton (North Oak Homes) for a full award of costs against Herefordshire Council.
 - The appeal was against the refusal planning permission for the erection of 9 dwellings.
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Decision

1. The application is refused.

Reasons

2. Planning Practice Guidance 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. Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant states that the appeal was unnecessary as the proposal is a policy compliant and the reasons for refusal unjustified. The appellant has also highlighted the matter of the Planning Committee overturning a recommendation for approval from the Planning Officer, with a lack of objection from consultees.
5. It is completely the right of the Members of the Planning Committee to consider the recommendation of their professional officers and consultees but decide to refuse, as happened with this case. The Planning Committee did not agree that this is an acceptable development that should be supported in this instance, for highway safety reasons.
6. Although you will note that I have allowed the appeal, I found the reasons for refusal and the subsequent statements from the Council to be thorough and reasoned, concluding against planning policy and the National Planning Policy Framework. I also recognise that there have been objections to the proposal with evidence provided from local residents and the Parish Council, which the

Members would have taken into consideration, together with that which they observed on site visit.

7. I recognise that there was significant levels of negotiation and amendments to try to get a positive outcome to the proposed development, but this does not necessarily result in the Planning Committee approving the proposal based on the evidence in front of them.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

S. Rennie

INSPECTOR