
Costs Decision

Site visit made on 17 September 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Costs application in relation to Appeal Ref: APP/W1850/W/19/3225291 Shuttfeld Coppice, Storridge, Malvern WR13 5ES

- 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 Paul Abbots for a full award of costs against Herefordshire Council.
 - The appeal was against the refusal of planning permission for a storage building for forestry & agricultural machinery, plus hay & timber.
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Decision

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

Reasons

2. 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.
3. The planning application was recommended for permission by the Council's planning officer. The Council's Planning Committee, having considered various submissions during the meeting and following a debate, found conflict with the development plan and refused the application. Planning Committees are not bound to follow the advice of their officers, and such behaviour is not unreasonable provided that they can substantiate reasons for their decision.
4. The Council's appeal statement raises a number of issues that are not central to the appeal. However, whilst these may have been raised at the Planning Committee meeting, these matters do not feature in the Council's reason for refusal. There is no clear evidence, therefore, that committee members took matters into account that were not relevant to the proposal.
5. What is clear from the reason for refusal, and elaborated within the Council's appeal statement, is that the proposal was deemed contrary to Policy CNDP5 of the Cradley Parish Neighbourhood Development Plan 2011-2031. For the reasons outlined in my main decision, I concur with that position.
6. The Council gave little detailed commentary on the fallback position in its appeal statement, but this is essentially a component of the appellants case in favour of granting permission. The Council's limited evidence in this regard, therefore, does not amount to unreasonable behaviour. The previous decision is described in the Council's officer report and so there is no compelling evidence that it was not taken into account during the Council's consideration of the application.

7. Whilst there is little substance to the Council's defence in respect of the biodiversity issue, there is equally little substance to the appellant's case in that regard. I find, therefore, that the appellant has not been put to wasted expense in the appeal process with regard to biodiversity matters.
8. For the above reasons, I find that the Council has adequately substantiated the reason for refusal. Unreasonable behaviour on the grounds claimed, resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR