The Planning Inspectorate

Costs Decision

Site visit made on 25 September 2019

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

Costs application in relation to Appeal Ref: APP/Z3445/W/19/3225748 Land to the rear of The Prince of Wales Inn, 70 Hockley Road, Wilnecote, Tamworth B77 5EE

- 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 Punch Partnerships (PML) Limited for a full award of costs against Tamworth Borough Council.
- The appeal was against the refusal of planning permission for the erection of two, two-storey detached dwellings and associated 1.8m high close boarded fence together with tarmac parking and associated landscaping.

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 appellant clearly disagrees with the Council's decision, believing that the proposal is one where permission should have been granted. Notwithstanding my decision on the appeal, I consider that the Council's decision clearly sets out its reason for refusal. It explains in its officer's report and statement its reasoning and whilst it seems to the appellant that new matters have been raised, I am satisfied that the documents submitted are a fair assessment of how the Council view the proposed development.

4. I find that the Council has exercised its duty to determine the planning application and defend the appeal and I do not find that it has acted unreasonably in doing so. Likewise, the appellant has exercised their right of appeal and I find no justification to their claim that it has incurred unnecessary or wasted expenses in exercising this right.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J D Clark

INSPECTOR