The Planning Inspectorate

Costs Decision

Site visit made on 3 September 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Costs application in relation to Appeal Ref: APP/H1840/W/19/3226263
Land North of Pulley Lane, Droitwich Spa, Worcestershire WR9 7JL

- 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 H2 Land Ltd for a full award of costs against Wychavon District Council.
- The appeal was against the refusal to grant permission in principle for an entry level exception scheme in accordance with Paragraph 71 of the National Planning Policy Framework comprising the erection of 9 no entry level (starter homes).

Decision

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

Reasons

2. Paragraph 30 of the Planning Practice Guidance (the 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. The Applicant states that the Council's position was unreasonable and the Council failed to have proper regard to Paragraph 71 of the Framework and has incorrectly applied development plan policies.

4. However, the Council's reason for refusal clearly states that the proposal would fail to accord with Paragraph 71b of the National Planning Policy Framework and that the appeal site is not adjacent to an existing settlement. The Council has in my view in its delegated report and Statement of Case had proper regard to Paragraph 71 of the Framework and has explained why it considers that the location of the appeal site does not fall within Paragraph 71.

5. With regard to the development plan policies, the Council took the view that the appeal proposal fell outside the exceptions contained with Policy SWDP2C. However, the Council also assessed the appeal proposal under Paragraph 71 of the Framework on the basis that if there was no relevant plan policy, planning permission should be granted unless the Framework suggested otherwise. As the appeal proposal did not fall within Paragraph 71, the presumption in favour of granting planning permission did not apply.

6. I do not find that the approach that the Council took in determining the appeal was unreasonable.

7. I therefore find that unreasonable behaviour as described in the Planning Practice Guidance has not been demonstrated and as such there can be no question that the applicant was put to unnecessary or wasted expense.

E Griffin

INSPECTOR