
Costs Decision

Site visit made on 3 September 2019

by Eileen Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 02 December 2019

Costs application in relation to Appeal Ref: APP/H1840/W/19/3230487 Land off Old Turnpike Road, Crowle, Worcestershire WR7 4AA

- 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 Richard Mead for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of the Council to grant outline planning permission for development of a live/work unit (with all matters reserved).
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Decision

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

Reasons

2. The basis for a full award of costs is that the Council acted unreasonably by preventing or delaying development which should have been permitted as it was fully compliant with the Development Plan and national policy.
3. The applicant considers that the Council's decision making has not properly considered the presumption in favour of sustainable development contained in Policy SWDP1 and in the National Planning Policy Framework.
4. Whilst, Policy SDWP1 refers to taking a positive approach when considering proposals, the presumption in favour of sustainable development applies to development which is consistent with the development plan which I have found not to be the case.
5. The parties have disagreed over the interpretation of the definition of a live/work unit and the applicant states that there was no concession or movement on that issue from the Council. Whilst, the parties have disagreed about the interpretation of Policy SWDP8G, I have not found the Council's views to be unreasonable. With regard to concessions, the parties held opposing views and the only possible concession would have been to accept that a live/work unit could be two separate buildings.
6. The applicant has referred to discussions which took place about the potential creation of an open market dwelling and the applicant's view that occupancy conditions and /or legal obligations could have made it approvable. As I have dismissed the appeal on other grounds, the absence of a planning obligation or suitably worded condition does not constitute unreasonable behaviour.

7. Whilst the appellant has referred to material considerations, I have found that the appeal proposal does not comply with the stated policy exception and that material considerations do not, in any event, overcome that breach.
8. I therefore do not find that unreasonable behaviour as described in the Planning Practice Guidance resulting in unnecessary expense during the appeal process has been demonstrated. An award of costs is therefore not justified.

E. Griffin

INSPECTOR