The Planning Inspectorate

Costs Decision

Site visit made on 26 November 2019 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 February 2020

Costs application in relation to Appeal Ref: APP/H1840/D/19/3237200
24 Sebright Close, Pershore, Worcester, WR10 1QF

- 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 Bayliss for a full award of costs against Wychavon District Council.
- The appeal was against the refusal of planning permission for two storey side, rear extensions and loft conversion.

Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, 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.

4. The Guidance also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.

5. The applicant's case for seeking an award of costs is grounded in substantive matters, namely that they feel the Council prevented development which should clearly be permitted having regard to its accordance with the development plan.

6. The planning decision is one which is a matter of judgement and having regard to the Council's evidence in the delegated report it is sufficiently clear to me that their objections centre around the effect of the proposed development on the living conditions of neighbouring occupiers and the character and appearance of the host dwelling. The Council's decision was clearly supported

with substantive reasons based on the assessment of the site and interpretation of policy.

7. Further, I note the applicant was unsatisfied with pre-application advice he received. From the evidence before me, it is clear the Council comprehensively outlined the merits of the proposal and suggested changes which would be required to overcome their concerns. The applicant chose not to comply with the advice he received, and I note there are fundamental disagreements between the parties relating to the merits of the proposal. To my mind, those matters were unlikely to be resolved during the application process and thus could only be dealt with at appeal. As such, the appeal process was unavoidable, and consequently there has been no unnecessary or wasted expense in making the appeal.

Conclusion

8. With the above in mind, I find that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs is not therefore justified and accordingly it is hereby recommended for refusal.

Hannah Ellison
Appeals Planning Officer

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Susan Ashworth

INSPECTOR