



Costs Decision

Site visit made on 11 February 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Costs application in relation to Appeal Ref: APP/B3410/W/19/3240657 Coach and Horses PH, High Street, Abbots Bromley WS15 3BN

- 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) Ltd for a full award of costs against East Staffordshire Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of 2no detached dwellings and new vehicular access, retention of existing public house (Use Class A4) and reconfiguration of car park, together with all associated landscaping and other ancillary works.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant submits that the Council has behaved in an unreasonable manner by failing to produce evidence to substantiate the reason for refusal; making vague, generalised and inaccurate assertions about the proposals impact; attempting to prescribe a overly prescriptive design approach and by not following the advice of the Conservation Officer.
5. From the evidence before me, Council Officers had been in discussion with the appellant regarding the proposed development prior to submission of the appeal. However, they were not fully persuaded by the form and appearance of the scheme, notwithstanding their views in relation to the principle of development.
6. Whilst I understand the sense of frustration associated with the design process it is not unreasonable to expect Officers to properly evaluate the application or make constructive suggestions to ensure high quality development. In this

particular regard it would not be reasonable to conclude that the Council had behaved unreasonably in terms of procedure based on the evidence before me.

7. I have noted the advice of the Council's Conservation Officer. However, the decision is one which is a matter of planning judgement. Whilst the Planning Officer and Council Members have taken a different view from that of their Conservation Officer, they are not duty bound to follow the advice, provided that there are sufficient planning grounds to come to a contrary view. This reason has been adequately substantiated by the Council in its Officer Report.
8. Whilst I have not sided with the Council with regard to the merits of the development proposal the Council produced a largely cogent report and a decision notice which detailed the reasons for refusal. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the East Staffordshire Local Plan that the proposal would be in conflict with.
9. I do, however, accept that the Council failed to substantiate the alleged harm to the wall, gates and piers. In my view this amounts to unreasonable behaviour as set out in the PPG. However, I am satisfied that no unnecessary or wasted expense was incurred in the appeal process as the appeal was necessary in any event because of the concerns relating to the form and appearance of the dwellings.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR