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## Costs Decision

Hearing Held on 26 November 2019  
Site visit made on 26 November 2019

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 April 2020**

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### **Costs application in relation to Appeal Ref: APP/D1835/W/19/3234845 Old Northwick Farm, Northwick Worcester**

- 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 Stonewater for a full award of costs against Worcester City Council.
  - The appeal was against the refusal of planning permission for development of 62 new homes with associated access and landscape work.
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### **Decision**

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

### **Procedural Matter**

2. Although the applicant was initially seeking a full award of costs, due to the Local Planning Authority's (LPAs) decision not to defend its first reason for refusal, the applicant is pursuing a partial award of costs in relation to the LPAs second reason for refusal, as confirmed at the Hearing.

### **Reasons**

3. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 applicant's application for costs is based on the alleged unreasonable behaviour of the LPA and wasted expense, for the reason considered below.
5. The LPAs reason for refusal in respect of flood risk does not refer to any development plan policy or specific paragraph or text from the National Planning Policy Framework (the Framework). However, it does refer to the Framework, which amongst other things provides national planning policy advice in relation to 'development in areas at risk of flooding'. Further, based on the wording of the reason for refusal, which is specific and precise, it is clear that it relates to the potential of groundwater flooding at the appeal site posing a flood risk.
6. Moreover, the LPAs evidence included a Statement of Case, this specifically relates to the reason for refusal and was supplemented by evidence given at the event. Therefore, despite finding in favour the applicant's appeal, I am satisfied that the LPA fully substantiated its reason for refusal on appeal.

7. Given all of the foregoing, I find that the LPA did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated.

*M Aqbal*

INSPECTOR