
Costs Decisions

Site visit made on 18 February 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2020.

Costs application in relation to Appeal A Ref: APP/R1845/W/19/3241012 Land off Church Road, Bewdley DY12 2BZ

- 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 J McConnell for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of planning permission for permission in principle for the erection of 4no. bungalows.
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Costs application in relation to Appeal B Ref: APP/R1845/W/19/3241014 Land off Church Road, Bewdley DY12 2BZ

- 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 J McConnell for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of planning permission for permission in principle for the erection of 2no. bungalows (re-submission).
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Decision

1. The application for the award of costs for Appeal A and Appeal B are refused.

Procedural Matter

2. As set out above there are two appeals on site. I have considered each application for the award of costs on their own individual merits. However, to avoid duplication I have dealt with the two applications together, except where otherwise indicated.

Reasons

3. 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.
4. 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.
5. The appellant contends the site was purchased following positive pre-application advice and that feedback during the planning application had been

positive, until late into the process. The appellant also contends that the Council has not undertaken an appropriate assessment in respect of the historic environment and produced a reason for refusal that is vague and generalised.

6. I acknowledge the appellant's frustration that he believed that Council Officers were likely to recommend approval. However, informal discussions and advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of the application. Whilst this change in the Council's position is unfortunate it is apparent that this decision was based on relevant planning policy, guidance and other considerations. I therefore conclude that the actions of the Council do not amount to unreasonable behaviour.
7. Notwithstanding the reference to a previous appeal decision, the Council have produced two cogent reports which include an appropriate assessment of the appeal scheme in respect of the historic environment. In addition, there is no substantive evidence, before me, to indicate that the Council has failed to consider the Heritage Appraisal. As seen from my decision I have found that the Council had reasonable concerns about the impact of the proposed development and has justified its decision rather than making vague, generalised or inaccurate assertions.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

B Thandi

INSPECTOR