
Costs Decision

Site visit made on 18 February 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 2 June 2020

**Costs application in relation to Appeal Ref: APP/W1850/W/19/3242467
Wheatsheaf Inn, A44 from Norton Lane to Worcestershire Boundary,
Whitbourne, WR6 5SF**

- 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 Peter Styles (Fatydam 2 Ltd) for a full award of costs against Herefordshire Council.
 - The appeal was against the refusal planning permission for conversion of redundant public house to form 1no. four bedroom dwelling and 1no. 3 bedroom dwelling.
-

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. Such examples include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant contends that the Council acted unreasonably by failing to take into account evidence of marketing submitted as part of the planning application.
4. Policy SC1 of the Herefordshire Local Plan Core Strategy 2011-2031 does not specify the length of time that proposals should be marketed for, nor is it specific that this marketing period should directly proceed the submission of planning applications. Whilst it is noted that some marketing has been undertaken, it is reasonable to expect up to date information and evidence for planning applications. In this case the marketing period ended in early 2016, which was some 3 years prior to the submission of the application. This is not an insignificant amount of time, and it is not unusual for there to be changes in market circumstances in such a long period of time which could impact the marketability of a property. In this instance I find that the Council's reasoning within the officer report in relation to the marketing of the appeal site has been adequately substantiated.
5. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns

about the impact of the proposed development and the loss of a community facility which justified its decision.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

S Shapland

INSPECTOR