



Costs Decision

Site visit made on 2 June 2020

by Paul Cooper MSc MRTPI

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

Decision date: 25 June 2020

Costs application in relation to Appeal Ref: APP/K3415/W/20/3246273 Building adj. Rock Cottage, Batesway, Rugeley, Staffordshire WS15 4LA

- 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 S Maritza for a full award of costs against Lichfield District Council.
 - The appeal was against the refusal of planning permission for change of use of existing outbuilding to form 1no four bedroom dwellinghouse.
-

Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant states that the Council have not taken into account the planning history of the site, have not justified the inappropriateness of the development in the Green Belt to warrant a reason for refusal, not correctly assessed the sustainability issues or dealt with the SAC matter in an appropriate manner and have been inconsistent in dealing with the application.
5. The Council have stated that reference has been made to previous applications on site and that the policy context has changed since those previous approvals and have not been inconsistent in their decision-making as amendments were suggested that could have allowed the application to be approved.
6. I have noted the Council's change in position regarding the SAC now that a Unilateral Undertaking has been submitted. I do not consider that the applicant has gone to additional expense as this would have been required to be submitted in any event to address the concerns of the Council and there were other reasons to be addressed which required dealing with at an appeal.
7. The Council's 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 development plan that the proposal would conflict with. These reasons were adequately substantiated by the Council in the officer report and for the reason that I explained in my appeal decision, I agree with the Council

that the proposal did not comply with local or national Green Belt policy. I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.

8. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development, nor has any evidence been submitted to substantiate the claim that the Council failed to co-operate with the appellant at application stage.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR