

Costs Decision

Site visit made on 7 January 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Costs application in relation to Appeal Ref: APP/P1805/W/19/3237728 Burcot Garden Centre, 354 Alcester Road, Burcot B60 1PW

- 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 M Richardson for a full award of costs against Bromsgrove District Council.
 - The appeal was against the refusal of the Council to grant subject to conditions planning permission for demolition of buildings and erection of 11 dwellings, of which 3 are affordable, with associated landscaping, bin storage and new access from Pikes Pool Lane.
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Decision

1. The application for the 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 application in part relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without adequate justification.
5. I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. Whilst Council Members have taken a different view from that of their officers, they are not duty bound to follow the advice of their officers, provided that there are sufficient planning grounds to come to a contrary view.
6. In terms of the merits of the development proposal it is apparent to me that the Council had reasonable concerns based on the evidence provided particularly in respect of the distribution of the affordable houses and their design, notwithstanding the advice of the Strategic Housing Team. Whilst the Council has not provided a Statement of Case the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application.

It also clearly states the policy of the Bromsgrove Development Plan that the proposal would be in conflict with.

7. I do, however, accept that the Council did not substantiate the alleged conflict in respect of the level of affordable housing provision and the housing mix. 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 distribution and appearance of the affordable houses proposed.

Conclusion

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, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR