



Costs Decision

Site visit made on 14 July 2020 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Costs application in relation to Appeal Ref: APP/D4635/D/20/3249122 Tudor Villa, Finchfield Gardens, Wolverhampton WV3 9LT

- 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 Avtar Suniara for an award of costs against Wolverhampton City Council.
 - The appeal was against the refusal of planning permission for extension of an attached garage at the front of the existing house, partial side extension over the garage at first floor, and rear two storey and single storey extensions, plus a dormer window in the rear roof.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicant submits that the Council did not properly deliberate the planning application as they were unduly influenced by other parties and that they were subjective in their deliberations instead of using local or national policies. Moreover, they submit that the Council did not give sufficient regard to their duty of equality. In this way the Council acted in an unreasonable way which caused unnecessary or wasted expense at appeal.
4. The minutes of the planning committee are not available to me and so it is not possible for me to be certain whether the relevant planning policies were raised at the time. Nevertheless, and although I did not agree with the Council on their reasons for refusal, they were justified with reference to the development plan. Moreover, elected members of the Council are entitled to reach a different decision to that reached, under delegated powers, by the Council's planning officers. In issues related to matters of neighbour amenity, character and appearance there is often a strong degree of judgement employed and the matters raised by the Council related to issues where there was a reasonable potential for difference of opinion. As such I find that although the conclusions reached by the Members differed from the advice proffered, they were not

necessarily unreasonable as they were grounded in appropriate policy considerations.

5. There is insufficient evidence before me to demonstrate that the Council Members were unduly influenced in their decision making, or that they did not give full regard to the benefits the scheme would bring to the accessibility of the property. Nevertheless, these issues do not relate to the appeal process and may be more appropriately dealt with through a complaint to the Council.
6. In light of the above I consider that the Council did not act unreasonably in their decision making and that the decision was justified against the relevant policies. While I found in favour of the applicant, I consider that the Council did not act unreasonably in refusing the planning application and therefore the work undertaken by the applicant, involved in defending the appeal, was necessary and therefore not a wasted expense.

Conclusion and Recommendation

7. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I recommend that an award of costs would not be justified in this case.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

Kenneth Stone

INSPECTOR