
Costs Decision

Site visit made on 17 August 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Costs application in relation to Appeal Ref: APP/D4635/D/20/3246083 97 Taunton Avenue, Wolverhampton WV10 6PN

- 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 A Langley for a full award of costs against the City of Wolverhampton Council.
 - The appeal was against the refusal of planning permission for proposed 2 storey side extension and internal alteration with new conservatory roof.
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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. This application claims unreasonable behaviour by the Council in terms of (i) failing to cooperate with the appellant in respect of the Council's case officer's site visit, (ii) missing the statutory period deadline for the determination of the appeal and (iii) not displaying fully an objection letter relating to the proposal on the Council's website until after the determination of the planning application.
3. The Council indicates that its normal practice is for case officers to carry out unaccompanied site visits. As the site can be generally seen from the public highway, it is perfectly reasonable for the case officer not to arrange a visit to the appeal property with the appellant. At the same time, it is also reasonable for the case officer to visit 99 Taunton Avenue (no 99) at the owner's request, particularly as an important factor in the assessment of the proposal is its effect on the living conditions of occupiers of neighbouring properties. It is not the fault of the Council that this invitation from the owner of No 99 was not extended to the appellant and there is no requirement for the case officer to alert the appellant of any visit carried out. Furthermore, no evidence has been submitted that shows how the case officer's visit to No 99 has led to unnecessary costs to the appellant.
4. The appellant's frustration over the delay in the determination of the planning application is understandable, particularly as this seems to have been caused by the case officer's visit to No 99. However, my appeal decision shows I share the Council's concerns with the proposal and so there has been no delay in approving an acceptable development.

5. Also, I can understand the appellant's disappointment over the delay in the Council displaying in full an objection letter to the proposal on its website. However, there is no evidence before me that suggests the appellant would have been willing to amend the proposal to address the neighbour's concerns which in any case are similar to the Council's refusal reasons. As such, irrespective of the objection letter being displayed or not, I see no reason why the Council would have arrived at a decision to grant planning permission. Consequently, the need to lodge the appeal would not have been avoided and so there has been no unnecessary expenditure by the appellant.
6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is therefore not justified.

Jonathan Edwards

INSPECTOR