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## Costs Decision

Site visit made on 29 September 2020

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 November 2020**

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### **Costs application in relation to Appeal Ref: APP/W1850/W/20/3247411 Land at Woonton, Woonton, Almeley, Hereford**

- 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 J Mills for a full award of costs against Herefordshire Council.
  - The appeal was against the refusal of planning permission for residential development of 5 dwellings, including the formation of a vehicular access, provision of an orchard and coppice strips, foul drainage treatment plants and other associated works.
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### **Decision**

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

### **Reasons**

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. PPG indicates that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation.
4. The application was with the Council for some time before being refused. I understand the sense of frustration which delays may have caused the applicant. Legal challenge to the initial decision to approve the scheme and election Purdah added to the delays. Nonetheless, while not to the applicant's satisfaction, from the evidence before me there appears to have been some dialogue between the parties during the course of the application. Moreover, the Council have given an explanation for the change in process with the application reverting to a delegated decision rather than being presented to the planning committee.
5. The applicant feels that the appeal would have been unnecessary had it been determined earlier with the delay leading to the neighbourhood development plan being adopted during the course of the application. The weight given to emerging plans is a consideration for the decision maker. The Council have indicated they would have reached the same decision had the scheme been determined earlier. Therefore, an appeal, and the need to prepare a case in support of it, would have been necessary in any event. Expenses relating to the legal challenge are not a matter for consideration in relation to this appeal.

6. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case in a way that has put the applicant to unnecessary or wasted expense.

**Conclusion**

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Stuart Willis*

INSPECTOR