



Costs Decision

Site visit made on 20 January 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Costs application in relation to Appeal Ref: APP/J1860/W/19/3239165 Elm Hill, Sinton Green, Hallow WR2 6NU

- 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 Andrew Sleigh for a full award of costs against Malvern Hills District Council.
 - The appeal was against the refusal of planning permission (19/00914/FUL) for variation of condition 8 on planning permission 11/01514/FUL (proposed riding area and indoor stabling) to enable future flexibility in the ownership of Elm Hill versus the equestrian facility.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. Unreasonable behaviour can either be procedural, relating to the process of an appeal or substantive, relating to the merits of any issues arising from an appeal.
3. The applicant's case is based on the delay caused by the Council to any sale or letting of the property. The applicant says the amount would be based on an estimate of the loss of rent or loss of interest of a delayed sale. However, the PPG advises that whilst costs applications may relate to events before the appeal or other proceeding was brought, costs that are unrelated to the appeal or other proceeding are ineligible. Importantly, costs awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission (Paragraph: 032 Reference ID: 16-032-20140306).
4. Consequently, in the light of this advice, compensation relating to any delays to the potential sale or letting of the building does not constitute the necessary grounds for an award of costs. Therefore, having regard to the PPG, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not justified.

S Thomas

INSPECTOR