
Costs Decision

Site visit made on 5 January 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Costs application in relation to Appeal Ref: APP/D1835/W/20/3260790 Land adjacent to Rose Villa, Nunnery Lane, Worcester WR5 1RG

- 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 Jabran Khalid for a full award of costs against Worcester City Council.
 - The appeal was against the refusal of planning permission for erection of a new dwelling.
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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 also provides examples of unreasonable behaviour by local planning authorities which include the failure to produce evidence to substantiate reasons for refusal and making vague, generalised or inaccurate assertions unsupported by objective analysis as well as preventing or delaying development that should have been permitted. It also includes persisting in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable.
4. This appeal follows a previous one at the same site with both schemes being for a dwelling. This appeal included additional reasons for refusal. Notwithstanding this, there are differences between the proposals. The scale and appearance of the dwelling has been altered as has the external layout. There is also a different number of bedrooms and arrangement of openings. Therefore, there would be different potential effects on parking, living conditions and character and appearance.
5. An objective analysis of the relevant matters is required. Nevertheless, there are no parking standards for 6-bedroom properties and therefore, as with the other main issues, there will inevitably be an element of subjectivity and judgement. I have not agreed with the Council as to the acceptability of these differences. However, that there is disagreement between those involved is not uncommon and does not imply unreasonableness. The proposed scheme is materially different from the previous appeal scheme.

6. The applicant is aggrieved that Members of the Planning Committee refused the application contrary to the officers' recommendation. Members do not have to accept the advice of their officers. A case has been made by the Council that the proposed development would be unacceptable with the issues raised being related to relevant planning policies.
7. 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

8. 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