

Costs Decision

Site Visit made on 19 January 2021 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Costs application in relation to Appeal Ref: APP/J3720/D/20/3262396 8 Hammond Green, Wellesbourne, CV35 9EY

- 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 Steve Kapoor for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for 'revised application to increase width of the dormer (Retrospective) Approved planning application 19/03584/FUL'.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of an 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.
4. It sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example: -
 - By preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and
 - Making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The PPG advises at Paragraph 32 that an "An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense". The only information received from the Appellant in respect of costs is a spreadsheet setting out his expenses. This

does not clearly demonstrate how the Council acted unreasonably in the determination of the application.

6. Notwithstanding the above, and from what I have read, it would appear that the Planning Committee were fully conversant with the development and were provided with a comprehensive case report, setting out the relevant policies of the development plan and the effects of the proposal. This enabled them to fully debate the proposal before reaching a decision. Consequently, it is not considered that the Council acted unreasonably in coming to its decision.
7. Although I found differently to the Council in terms of the effect of the scheme on the character and appearance of the host property and the surrounding area, I am satisfied that it substantiated its reason for refusing the application making reference to development plan policy.
8. Given my findings above I consider that the appellant's time and expense in defending the appeal was a necessary part of the process. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated. I recommend that the cost application should be refused.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the application for an award of costs should be refused.

RC Kirby

INSPECTOR