



Costs Decision

Site visit made on 9 February 2021

by Samuel Watson BA(Hons) MSc MRTPI

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February 2021

Costs application in relation to Appeal Ref: APP/J3720/D/20/3262982 41 Hays Meadow, Ettington, Stratford-upon-Avon CV37 7FD

- 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 and Mrs Holmes for an award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for the erection of trellis on rear boundary fence (part retention).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicants submit that the Council did not engage positively with them during the planning application process, and that they did not properly take account of those responses from third parties and other consultees that did not object to the development. The applicants argue this led to an appeal that would have otherwise been unnecessary.
4. From the information before me I note that both parties agree that contact was made prior to the planning application being refused. I understand that at this point discussions were had between the Council and applicants regarding the reasons for refusal and the possibility of amending the scheme. Although it may have been more helpful for the applicants to have received this information earlier in the timeline, I find that the Council did not act unreasonably by contacting them prior to issuing a refusal.
5. The representations received from third parties and other consultees were included in the Council's delegated report, this includes the benefits to screening and privacy for neighbouring occupiers. I therefore find that they were mindful of these matters in reaching their decision. However, the Council's assessment of the key issues does not make clear what, if any, weight was given to these matters in assessing the proposal. While I find this unhelpful, I do not consider that the Council acted unreasonably in this way.

6. I find that the work undertaken by the applicants, involved in defending this appeal, was necessary and therefore not a wasted expense.

Decision

7. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I find that an award of costs would not be justified in this case.

S Watson

INSPECTOR