



Costs Decision

Site visit made on 23 February 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Costs application in relation to Appeal Ref: APP/C3430/W/20/3263520 Land adjacent Park House and Parkfield Cottage, Park Lane, Lapley ST19 9JT

- 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 Dominic Allen for a full award of costs against South Staffordshire Council.
 - The appeal was against the refusal of planning permission for 2 detached dwellings.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates that 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.
3. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant contends that the Council have failed to take into account case law on development in the Green Belt and have rigidly applied the requirements of Policy GB1 of the South Staffordshire Core Strategy contrary to principles in case law and the National Planning Policy Framework (the Framework) in assessing the impact of a development regarded as infilling on the openness of the Green Belt where it is explicitly not allowed.
5. The Council respond by stating that it was acknowledged in the officer report that Policy GB1 is not entirely consistent with the Framework and that at no point in the officer report is any reference made to the impact of openness under Paragraph 145e of the Framework. In relation to the case law in question it is referenced that the matter is one of planning judgement, and the Council clearly applied its own judgement having regard to all material considerations not just rigidly applying Policy GB1.
6. I find that the Council's reason for refusal is complete, precise, specific and relevant to the application. It clearly states the policy of the Development Plan and all other relevant matters that the proposal would conflict with. I find that at no point in the text is the issue of openness raised in relation to Policy 145e of the Framework.

7. The reason for refusal is adequately substantiated by the Council in the officer report and as per the case law quoted by the applicant, they have exercised their planning judgement. I agree with the Council that the proposal does not comply with Green Belt policy and I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.
8. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated and for this reason, an award of costs is therefore not justified.

Paul Cooper

INSPECTOR