
Costs Decision

Site visit made on 23 February 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Costs application in relation to Appeal Ref: APP/J1860/W/20/3263431 Land adjacent Ridgeacre Farm, Broad Green, Broadwas WR6 5NW

- 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 Miss Trigg and Mr McCluskey for a full award of costs against Malvern Hills District Council.
 - The appeal was against the refusal of planning permission for a live/work unit.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes preventing or delaying development which should clearly be permitted and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant contends that the Council has acted unreasonably by preventing a development which should have been permitted; by making vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis and by not determining similar cases in a consistent manner.
5. Taking each matter in turn, whilst the location for the proposed development is considered acceptable in relation to accessibility to services and facilities, I have found that the Council had reasonable concerns about the impact of the proposed development upon the character and appearance of the area, as seen from my decision.
6. The applicant contends that the Officer's report is incorrect in places and is based on conjecture and unsupported by objective analysis. I do not agree - the report is considered and largely cogent and sets out the reasons for reaching a conclusion. The decision was based on relevant planning policy including consideration of individual policies of the South Worcestershire Development Plan and the plan when read as a whole. It was also based on

guidance and other considerations including information submitted by the appellant.

7. I have noted the advice of the Council's Footpath Officer and the Ramblers Association. However, the decision is one which is a matter of planning judgement and the reason for the Council's concerns has been adequately substantiated in the Officer's report. Based on the evidence before me I find that the actions of the Council in coming to their decision do not amount to unreasonable behaviour.
8. The appellant has made reference to the planning application at Allsetts Farm and other live/work units granted planning permission in the Council's area. From the limited information before me there is no compelling evidence to clearly indicate that the Council has been inconsistent in its decision-making process.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

B Thandi

INSPECTOR