
Costs Decision

Site visit made on 18 March 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

**Costs application in relation to Appeal Ref: APP/C3430/W/20/3253111
Springhill House, Springhill Cottage, Springhill Lane, Lower Penn WV4 4TJ**

- 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 Sandhills Investment Ltd against the decision of South Staffordshire Council.
 - The appeal was against the refusal of planning permission for the construction of a new building for use as a D1 nursery (part retrospective) drainage works to the rear of the nursery (retrospective) and associated works.
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Decision

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

Reasons

2. 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. I note the applicant has referred to the failure to secure a travel plan as an unnecessary reason for refusal, as this was already included in the scheme details.
4. However, the acceptability of a travel plan can include the appropriateness of the monitoring requirements to be established by it. There is no substantive evidence before me which demonstrates that the appeal scheme was not properly assessed by the Council, or that the conclusion stated in the Decision Notice was reliant on baseless concerns. I am satisfied adequate reasoning has been provided as to why planning permission was refused.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

M Shrigley

INSPECTOR