The Planning Inspectorate

Costs Decision

Site visit made on 20 April 2021

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2021

Costs application in relation to Appeal Ref: APP/H1840/W/21/3266807
Pippins Court, 40 Waterside, Evesham WR11 1BU

- 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 Gavin Swinburne for a full award of costs against Wychavon District Council.
- The appeal was against the refusal to grant approval required under a development order for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.

Decision

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

Reasons

2. The Planning Practice Guidance advises 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. The applicant states that the opinion of the objectors substantially swayed the Council to a decision without the evidence to support the assertions made. The Council made an unsound judgement of the material considerations set out within Class A of Part 20 of the amended GDPO.

4. The Council respond by highlighting that the Committee were entitled to reach a different decision to officers, particularly as the item was debated at length and the potential refusal reasons were given considerable airing. The Committee made their own interpretation of the case.

5. The assessment of the existing floor heights in this case was not clear cut as there were conflicting survey results. A judgement was required on the submissions.

6. The lack of additional parking spaces and its impact on the area was a matter of judgement and not precise science, rather it requires consideration in relation to the site and surroundings. Whilst I did not agree with the Council's conclusion, the issue was nonetheless a valid concern.

Conclusion

7. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in

pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR