The Planning Inspectorate

Costs Decision

Hearing Held on 12 January 2021

Site visit made on 13 January 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Costs application in relation to Appeal Ref: APP/J3720/W/20/3259605 Ruins, Alcester Road, Beoley

- 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 Thomas Gilbert (Real Christmas Trees) for a full award of costs against Stratford-on-Avon District Council.
- The hearing was in connection with an appeal against the refusal of planning permission for new dwelling for an agricultural worker.

Decision

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

The submissions for Mr Thomas Gilbert (Real Christmas Trees)

2. The applicant considers that the Council has failed to engage constructively with the changed circumstances relating to the appeal scheme and the fact that planning permission was granted for two polytunnels at the appeal site since the original application was refused. They also consider that the Council failed to behave consistently in determining similar applications citing a recent planning permission granted at Little Ladbrook Farm, Penn Lane, Tanworth-in-Arden (Ref 19/01161/FUL). Consequently, they also consider that the application subject to the appeal should have been approved as it shows a compelling case that there is a functional need for a dwelling.

The response by Stratford-on-Avon District Council

3. In response the Council have stated that the reasoning behind their decision is clearly stated in the Officer report and that they undertook a thorough examination of the application, undertook a site visit and took into account relevant evidence including an agricultural consultant’s report. They also state that their decision was made in accordance with the adopted development plan for the area and also took into account other material considerations including national policy.

Reasons

4. The Planning Practice Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. It also states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its

accordance with the development plan, national policy, and any other material considerations. Unreasonable behaviour in the context of an application for an award of costs may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).

5. The Council's Officer report sets out in some detail their reasons as to why they considered the proposed development unacceptable. Therefore, it is reasonably clear as to why they came to their decision. It is also clear that this decision was a matter of planning judgement taking into account the adopted development plan, other adopted guidance and other relevant material considerations including national policy and relevant planning permissions including Ref 19/01161/FUL.

6. Therefore, in my overall planning judgement, it appears to me that having regard to the evidence before me the Council adequately explained the reasoning behind their decision. As a result, I find that the Council had reasonable concerns about the impact of the proposed development which justified their decision. The refusal of planning permission in this case therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the Guidance.

7. Accordingly, I consider that the Council did not prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and that an award of costs is not justified.

C Coyne

INSPECTOR