
Costs Decision

Site visit made on 13 October 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

Costs application: APP/H1840/D/20/3257563

Yee Tree Cottage, Church Street, Offenham, Evesham, WR11 8RW

- 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 David Roome for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of the Council to grant planning permission for 'two storey side extension and repositioning of previously approved outbuildings'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals should normally meet their own expenses. 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 appellant states that the Council failed to give appropriate weight to the established fallback position, and that case law states that, had the appropriate weight been assigned, it is very likely to have had a material impact on the decision reached.
4. I am satisfied that the Council's delegated report adequately addresses the matter. The fallback is described, analysed and then weight attributed to it. The weight to be given is ultimately a matter for the decision maker and requires a planning judgement to be made.
5. The appellant has acknowledged that because the fallback extension and appeal extension occupy different areas, there is potential for both to be constructed if the appeal were to be allowed¹. The appellant has suggested a landscaping condition requiring works within the area of the fallback extension to be completed before the occupation of the appeal proposal. However, this would only take effect once the permission was implemented and therefore would not prevent the fallback scheme being constructed. It seems to me this rather negates the fallback argument of the appellant in any event.
6. Overall, the Council's behaviour cannot be considered unreasonable, or to have resulted in unnecessary or wasted expense in the appeal process.

¹ Paragraph 3.52 of Statement of Case

7. The application for costs therefore fails.

S Thomas

INSPECTOR