



Costs Decision

Site visit made on 27 April 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Cost application in relation to Appeal Ref: APP/R1845/W/21/3267971 Land off A4117, Far Forest

- 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 B Roberts for the full award of costs against Wyre Forest District Council.
 - The appeal was made against the refusal of planning permission for construction of detached bungalow.
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Decision

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

Procedural Matter

2. The following report has been prepared by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding whether to make an award of costs.

Reasons for the Recommendation

3. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, 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.
4. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
5. Policy SAL.DPL2 of the Wyre Forest District Site Allocations and Policies Local Plan (LP) does not specifically state that housing to meet local needs must remain available to meet those needs in perpetuity as it does for affordable housing schemes. However, the supporting text provides guidance to interpret the policy and gives a clear steer on this matter. It was not unreasonable for the Council to interpret the policy with regard to the supporting text, and to conclude that the requirement to remain available to meet the continuing needs of local people applies to all development allowed under Policy SAL.DPL2 for the purposes of meeting local housing need. Therefore, there is no substantive evidence before me to indicate that the Council misapplied their own policy when refusing permission due to the absence of an arrangement to

- ensure the development would remain available to meet the continuing needs of local people.
6. Of the other schemes the parties refer to, some were found to be contrary to Policy SAL.DPL2 but approved on balance, having regard to other material considerations, and some were on sites where residential development was permitted by other policies. It is not clear whether the Inspectors in the other appeal decisions referenced were required to engage with the issue of meeting continuing local need. As such, none of these examples are directly comparable to the appeal scheme, and the lack of arrangements to meet ongoing local need does not demonstrate an inconsistent application of Policy SAL.DPL2.
 7. The Council and the applicant have reached different views on whether the site is within an existing area of ribbon development, whether the proposal would be infill development and the impact of the proposal on landscape character. Although the applicant suggests the proposal would be infill 'by definition', and the development plan allows for infill development in certain circumstances, I have not been directed to any definition of infill in the development plan or elsewhere. Therefore, these are matters of planning judgement having regard to the particular circumstances of the site and the proposal. Consequently, it was not unreasonable for the Council to come to its own conclusion on these issues.
 8. The Council's Officer Report assessed the characteristics of the site and the surrounding area and the impact of the development proposed. It carried out an objective analysis of these elements of the proposal and substantiated its conclusions with reference to the previous appeal decision. Therefore, I find that the assessment undertaken by the Council was not vague, generalised, or inaccurate.
 9. The applicant contends that the proposal complies with all development plan policies however I have found conflict several of those policies, albeit for slightly different reasons to those of the Council. Therefore, based on the available evidence, this was not a case where development should clearly have been permitted having regard to relevant policies and material considerations.
 10. I recognise that the applicant was disappointed with the Council's handling of the application, procedures and subsequent outcome. It was also unfortunate that the Council was unable to meet timescales for submission of its appeal statement and to clarify the differences between its Officer Report and subsequent refusal reasons. However, its submissions were, on balance, sufficient to substantiate its case and its behaviour and actions at the time of the planning application have not resulted in unreasonable behaviour or unnecessary or wasted expense at appeal stage.
 11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's costs report above, and, on that basis, I too agree and conclude the applicant has failed to demonstrate unreasonable behaviour resulting in unnecessary expense as described in the PPG. The application for costs is therefore refused.

L McKay

INSPECTOR