
Costs Decision

Site visit made on 6 July 2021

by A Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Costs application in relation to Appeal Ref: APP/H1835/W/21/3273021 Pitmaston House, Malvern Road, Worcester WR2 4LL

- 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 J Jenner of Blockworks for a full award of costs against Worcester City Council.
 - The appeal was against the refusal of planning permission for a change of use from residential dwelling to mixed use residential dwelling and holiday accommodation let.
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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 be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal for example by failing to provide evidence to substantiate the reason for refusal, or by making vague or generalised assertions about a proposals impact.
3. The Council's reason for refusal was clear that it was noise and disturbance generated by the development that caused significant harm to residential amenity. The evidence for this stemmed from the comments received from the residents of six nearby properties, including from one resident who provided a diary of complaints since 2017. Members are, of course, not bound by the recommendations of their officers and are able to assign their own weight to the matters before them. It was not unreasonable therefore for them to give determinative weight to the concerns of local residents, particularly in light of the formal complaints that had been made to the Council since 2017. Furthermore, on the basis of the history of complaints, the Members were not unreasonable in rejecting the proposition of a temporary permission.
4. The applicant suggests such complaints are unproven. However, the number of them, their nature, their regularity, and their persistence over a significant period of time, would strongly suggest the development is the primary source. As such these are not vague or generalised assertions.
5. Consequently, the Council did not prevent or delay development that should clearly be permitted. As such, it has not been demonstrated that the Council behaved unreasonably resulting in unnecessary or wasted expense on behalf of

the applicant, as described in the PPG. Therefore the application for an award of costs is refused.

A Owen

INSPECTOR