



Costs Decision

Site visit made on 22 June 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

**Costs application in relation to Appeal Ref: APP/R1845/W/21/3269009
Land at Former Stourport on Severn Sports Club
Harold Davies Drive DY13 0AA**

- 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 Michael Loveridge for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) 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 PPG provides a number of potential examples of unreasonable behaviour by local planning authorities, such as preventing or delaying development which should clearly be permitted having regard to the development plan, national policy, and other material considerations.
4. In relation to the first reason for refusal, as I have already set out in my appeal decision, due to the balancing of risk it is perfectly reasonable to come to a different conclusion on the Flood Plan when considered in the spring and summer months, compared to the autumn and winter months. I have not found it to be acceptable within the context it has been presented to me. I cannot therefore find that the Council has acted unreasonably in this regard.
5. In relation to the second reason for refusal, within my decision I found that Condition No. 17 was not necessary to control effects on living conditions derived from permanent residence, because of other prevailing conditions already attached to the planning permission.
6. However, it is not entirely clear how this would amount to unreasonable behaviour, on the basis the applicant has not provided a reasoned justification in accordance with the PPG. I am not therefore able to draw reliable conclusions on their contentions.

7. As a result, I cannot conclude definitively that the appellant's expenses were borne out of unreasonable behaviour or that the Council's position was not a matter of planning judgement rather than unreasonableness. Consequently, and altogether, such expenses were not therefore unnecessary or wasted.

Conclusion

8. For the reasons given, the application for a full award of costs is therefore refused.

Liam Page

INSPECTOR