
Costs Decision

Site visit made on 17 August 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Costs application in relation to Appeal Ref: APP/H1840/W/21/3268591 Court Farm, Hindlip Lane, Hindlip WR3 8SS

- 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 Jason Tucker for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for change of use of redundant building to 3no. holiday lets.
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. PPG also provides examples of unreasonable behaviour by local planning authorities which include providing information that is shown to be manifestly inaccurate or untrue.
4. The applicant considers that implications of the age of the development plan and the 5-year housing land supply figures provided are inaccurate. I have made my own assessment of whether the most relevant policies of the development plan are out of date and found them to be broadly consistent with the National Planning Policy Framework (Framework). Paragraph 80 of the Framework does not apply to the appeal as the scheme is not for homes and whether the site is isolated has not been raised as a concern.
5. Regarding housing supply, even if I were to agree that the Council were unable to demonstrate sufficient housing land, the scheme is not for dwellings and would therefore not contribute towards it. Moreover, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework does not apply as the scheme is contrary to the Green Belt policies contained within it.
6. In addition, the applicant considers the Council have failed to apply logic, common sense or justified their interpretation of the term 'redundant'. That parties disagree over the interpretation of a policy or term, in particular where there is no definition given within the local or national policy, is not uncommon and does not indicate unreasonableness. The Council provided reasoning to

support their stance and related this to previous appeal decisions where this matter was discussed in the same context and against the same development plan policy. For the reasons set out in my decision I have found that, despite the current occupier no longer needing it, the building is not redundant in regard to the relevant policy.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case in a way that has put the applicant to unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Stuart Willis

INSPECTOR