



Costs Decision

Site visit made on 18 August 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Costs application in relation to Appeal Ref: APP/J3720/W/21/3272249

- 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 A Harvey for a full award of costs against Stratford on Avon District Council.
 - The appeal was against the refusal of approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for conversion of modern barn to residential use on adjacent land to owners residence.
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Decision

1. The costs application is refused.

Reasons

2. 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. The applicant's application for costs is based on the alleged unreasonable behaviour of the Local Planning Authority ('LPA') and wasted expense, for the reasons, as considered below.
4. Essentially, the applicant argues that the prior approval application included drawings and documentation, which showed that a refuse vehicle could access and turn at the site. On this basis the applicant asserts that because a fire service vehicle has smaller dimensions this could also access and turn at the site. The applicant adds that during the application stage, two additional plans were submitted which showed tracking for fire service vehicles. Accordingly, the applicant asserts that the access was suitable for fire service vehicles and therefore the submission of the appeal and documents prepared and submitted should not have been necessary.
5. The LPA maintains that it had regard to the applicant's submissions when considering the proposal. Indeed, the LPA consulted the Warwickshire Fire and Rescue Service ('Fire Service') twice during the course of the application. Furthermore, the LPAs Delegated Report refers to the plans submitted by the applicant. Therefore, I am satisfied that the LPA took account of the applicant's submissions.
6. However, the Fire Service has maintained that it is unable to confirm that the site would be fully accessible to fire service vehicles. Certainly, the proposed

access does not meet all the relevant minimum access requirements for a fire service vehicle. Also, during the appeal the Fire Service has sought to explain why the requirements for fire service vehicles are different to refuse vehicles.

7. Nevertheless, it is for the LPA to consider the comments received from consultees along with all other relevant considerations into account and determine the application. As to how much weight a LPA attaches to the advice of its consultees is a matter of planning judgement. In this case, the LPA came to a view that based on the responses from the Fire Service, it was unable to support the application, as set out in its Delegated Report.
8. Therefore, even though I have found in favour of the applicant in relation to the appeal, I do not consider that the LPAs approach in following the advice of a consultee and exercising planning judgement is irrational. In particular when this relates to a matter of health and safety.
9. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the Planning Practice Guidance has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal
INSPECTOR