



Costs Decision

Site visit made on 27 July 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2021

Costs application in relation to Appeal Ref: APP/Q1825/W/21/3269496 Saltways Cheshire Home, Church Road, Webheath, Redditch B97 5PD

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ben Morgan for an award of costs against Redditch Borough Council.
 - The appeal was against the failure to give notice within the prescribed period of a decision on an application for planning permission, for construction of 3 single-storey extensions, security fence and alterations for a proposed Tier 4, Low Security, Non Forensic, CAMHS (Children and Mental Health Services) Unit.
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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 only 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. The application centres on the applicant's claim that the Council failed to co-operate with them and caused unnecessary delay. PPG indicates that local planning authorities will be at risk of an award being made against them if they behave in such ways.
3. Given the evolved nature of the proposal, the complex technical arguments that underpinned this evolution, and the community concerns raised, I find that the Council took a reasonably proportionate and inclusive approach to its requests for advice and clarification, and re-consultation. I also see evidence in the applicant's agent's email to the Council of 8th June 2021 of acknowledgement of a committed and constructive approach by the Council's Development Management Team.
4. To conclude, I find that the Council did not fail to co-operate with the applicant and did not cause unnecessary delay. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for costs fails.

William Cooper INSPECTOR