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: 20 October 2021

Costs application in relation to Appeal Ref: APP/J1860/W/21/3268355
Tack Farm, Broadwas, Worcester WR6 5NE

- 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 & Ms J & T Stanley & Pedro for a full award of costs against Malvern Hills District Council.
- The appeal was against the refusal of planning permission for provision of outdoor riding arena.

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 the failure to produce evidence to substantiate reasons for refusal and making vague, generalised or inaccurate assertions unsupported by objective analysis as well as preventing or delaying development that should have been permitted.

4. An objective analysis of the relevant matters is required. Nevertheless, given the nature of the main issue, such an assessment will inevitably involve an element of subjectivity.

5. The weight afforded to relevant considerations, such as the planning history of the site, comments from a statutory consultee and potential/existing level of use at the site, is a matter of judgement for the decision maker. That there is disagreement between those involved is not uncommon and does not imply unreasonableness.

6. While I have not agreed with the Council, they have provided a reasoned justification as to how they reached their decision and related their decision to relevant planning policies.

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