
Costs Decision

Hearing Held on 7 September 2021

Site visit made on 8 September 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Costs application in relation to Appeal Ref: APP/C3430/W/21/3267501 Land off Wood Road, Codsall Wood, Nr Wolverhampton WV8 1QR

- 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 South Staffordshire Council for a full award of costs against Mr Richard Shropshire (Woodhall Growers Ltd).
 - The hearing was in connection with an appeal against the refusal of planning permission for outline application for an agricultural worker's dwelling including garage, all matters reserved except access.
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Decision

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

The submissions for South Staffordshire Council

2. The application was made verbally at the Hearing. In summary, while being mindful of the circumstances under which The Granary became available, the Council considers that it was unreasonable that new evidence in respect of The Granary was introduced at a late stage. The Council contend that the further evidence required it to undertake considerable additional work at very short notice and, following a land registry search, they discovered that the incorrect certificate had been completed by the appellant at application and appeal stage.
3. Consequently, the Council had to make a late submission regarding the incorrect certificate prior to the Hearing. The Council was also compelled at short notice to consider the effect on the appeal case of The Granary becoming vacant. In terms of the Planning Practice Guidance¹ the Council considers that the appellant's behaviour gives rise to a procedural award on the basis that the new information prolonged the proceedings.

The response by Mr Richard Shropshire (Woodhall Growers Ltd)

4. The appellant responded verbally at the Hearing and explained that as Mr Keith Shropshire is a director of Woodhall Growers Ltd it was considered, until the Council's email the day before the Hearing, that the correct certificate had been submitted. The submission of the incorrect certificate was an honest mistake and as soon as this was brought to their attention steps were taken to rectify the matter.

¹ Paragraph: 052 Reference ID: 16-052-20140306

5. The appellant considered that the submission of late evidence in relation to the occupation of The Granary was unavoidable in the circumstances.

Reasons

6. The 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.
7. Details of the change in circumstances following the passing of the appellant's Grandmother were provided prior to the Hearing together with a short assessment of the implications for the appellant's case. The additional evidence provided by the appellant was clear and concise. The Council was given an opportunity to comment prior to the Hearing on this matter. The Council was also given the opportunity at the opening of the Hearing to consider whether the change to the evidence in relation to the occupation of The Granary affected whether the Hearing could proceed. This matter was clearly beyond the appellant's control and the appellant did explain the position clearly and in a timely manner. In this respect the appellant did not behave unreasonably.
8. I consider that the mistake in relation to the certificate was genuine. At the Hearing all parties agreed an amended certificate could be accepted and appropriate notification could be served. There were no delays to the Hearing proceedings and limited additional work for the Council as a result of the discovery that the certificate was incorrect.
9. Therefore, I conclude that unreasonable behaviour has not been demonstrated. Accordingly, it follows that the Council has not been put to unnecessary or wasted expense in the appeal process.

Diane Cragg

INSPECTOR