



Costs Decision

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

**Costs application in relation to Appeal Ref: APP/D1835/X/21/3271327
200A Bilford Road, Worcester WR3 8HL**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Ms W Heath for a full award of costs against Worcester City Council.
 - The appeal was against the deemed refusal of a certificate of lawful use or development for the proposed siting of a cabin unit within the domestic curtilage to provide ancillary accommodation.
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Decision

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

Reasons

2. Paragraph 030 of the Appeals section of the national Planning Practice Guidance (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.
3. The application sought a Lawful Development Certificate (LDC) for the proposed siting of a cabin unit within the domestic curtilage to provide ancillary accommodation. The applicant considers the Council acted unreasonably by failing to determine the application in a timely manner and misguiding itself as to the basis of its initial assessment of the proposal. They consider that the Council provided no creditable or reasonable justification as to why it was unable to make a decision on the LDC application, over 17 weeks beyond its validation.
4. The Council considers the delay in responding to the appellant was regrettable, and that the initial assessment (judging the proposal against Class E of the GPDO) was usual for similar proposals. Following clarification that the application was for the siting of the cabin unit to provide ancillary accommodation, the legal department was consulted for its opinion on whether the proposal met the legal definition of a 'caravan'. This added to the delay in the decision making process.
5. The PPG advises that if it is clear that a Council will not determine an application within the prescribed time limit, it should give the applicant a proper explanation. Email exchanges confirm the applicant made several attempts to engage with the Council before and after the 8-week period ended. Some of these emails went unanswered and, when responses were given, an explanation for delay was expressed generally, in terms of the department experiencing a

high volume of applications and followed up with a request for clarification on certain aspects of the proposal. This subsequently prompted the request for advice from the Council's legal department and further requests for clarification.

6. On balance, I consider that in the circumstances, it was not unreasonable for the planning officer to pursue further details to enable them to make an informed decision as to whether the proposal would have been lawful at the date of the application. These requests inevitably led to a prolonged application process and one that was finally determined once the Council considered itself in full possession of the necessary facts.
7. In this respect I do not consider that the Council's delay in determining the application was unreasonable, and in doing so led to the applicant incurring wasted expense in appealing the deemed reason for refusal of the LDC. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that a full award of costs is not justified.

S A Hanson

INSPECTOR