



Costs Decision

Site visit made on 11 January 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Costs application in relation to Appeal Ref: APP/J3720/W/21/3271377 Land to rear of 182 and 183 Evesham Road, Stratford Upon-Avon CV37 9BS

- 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 Barnes for a full award of costs against Stratford on Avon District Council.
 - The appeal was against the refusal of planning permission for erection of detached bungalow in lieu of recently approved 4 bay garage.
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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 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 considered below.
4. In determining the applicant's planning application, the LPAs delegated report included details of the fallback position for the garage block approved at the appeal site under planning permission Ref: 20/00803/FUL. The delegated report also provides a comparison between the fallback and the proposed scheme. Whilst the applicant may disagree with the weight the officer attached to the fallback scheme this is a matter of planning judgement which the officer is entitled to exercise as the decision maker.
5. The LPAs reason for refusal refers to 'associated highway works' and based on its submissions this relates to works that are external to the proposed dwelling, amongst others, these include the passing bay, parking/turning areas within the site and the requirement for part of Wheelbarrow Lane to be surfaced as per the recommendation of the highways officer. Subsequently, in clarifying the extent of these works, the LPA has referred to them as 'associated works'. Irrespective of how these are described, they are detailed in the LPAs submissions. As such, I am satisfied that the LPA has sought to clarify its original reason and not introduced a new one.

6. Given all of the foregoing, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal
INSPECTOR