
Costs Decision

Site visit made on 2 March 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Costs application in relation to Appeal Ref: APP/K3415/W/21/3280957 Land adjacent The Crown Inn, Uttoxeter Road, Handsacre WS15 4EA

- 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 FB Developments Ltd for a full award of costs against Lichfield District Council.
 - The appeal was against the refusal of planning permission for a new field access with gate and ramp down to field.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG)¹ advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process. It sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. The PPG is also clear that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The costs application asserts that, contrary to the advice of officers, the Council has delayed a development that should clearly have been permitted, refusing permission on the basis of unsubstantiated assertions. The applicant advises that this has delayed use of the site as planned and has caused an unnecessary appeal resulting in wasted expense.
4. The planning application was recommended for approval and overturned by Council Members. Councils are not, however, duty bound to accept the recommendations of their officers. It must be recognised that many planning judgments are subjective and require a balanced view. This can quite legitimately result in members not wholly agreeing with officers' recommendations, or coming to a different subjective or balanced decision, taking into account all material considerations.
5. The Council's refusal reason clearly sets out how it considers the proposal to be contrary to development plan policies. The matters of concern require an exercise of planning judgement and the Council's refusal reason was based on a reasoned, substantive, and clear planning judgement. I have found favour

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

with the Council's stance in terms of the proposed development's effect on the character and appearance of the area. The development conflicts with local and national planning policy in this regard, and the evidence of benefits and other material considerations do not outweigh that conflict.

6. The Council has not, therefore, prevented or delayed a development which should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations. As such, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Conclusion

7. For the reasons above, and having regard to all other matters raised, an award for costs is not justified and the application is refused.

S D Castle

INSPECTOR