



Costs Decision

Site Visit made on 22 February 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2022

Costs application in relation to Appeal Ref: APP/D1835/W/21/3286598 344 Bath Road, WORCESTER, WR5 3EZ

- The appeal is made under section 78 of 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 Rod Palfrey against the decision of Worcester City Council.
 - The appeal was against the refusal of the Council to grant planning permission for the subdivision of garden and erection of a detached dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that irrespective of the outcome of an 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 associated appeal process. The same guidance makes it clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Failing to produce evidence to substantiate a reason for refusal on appeal, or making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, are cited as examples and are reflected in the applicant's claim. The submission also claims that the Council have refused an application previously indicated as acceptable by the Secretary of State.
3. Whilst I appreciate the outcome of the application will have been a disappointment to the applicant, the Council were not unreasonable in coming to that decision from the information they had available to them. The highway adjacent to the site is heavily trafficked and as such I do not consider it unreasonable that these concerns led to such a reason for refusal. With regards to the Green Space, it is noted that a similar issue has previously been dealt with at appeal, however this was a different site with differing characteristics to the appeal proposal. As such, the Council were required to deal with the appeal scheme on its own merits.
4. Whilst it is evident from the main decision that I have disagreed with the Council's reasons for refusal, the Officer Report nonetheless sets out an assessment of the indicated harm and how this would conflict with relevant adopted planning policies. Accordingly, I am satisfied that the Council's determination of the application and reasoning were credible and it was entitled to reach the decision it did.

5. I find nothing to suggest that a decision was reached other than on the basis of the merits of the proposal, as submitted by the applicant. I also find no evidence that the appellant incurred any additional expense as a result of this.
6. Accordingly, I do not find that the Council behaved unreasonably in their processing of the application and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Tamsin Law

INSPECTOR