



Costs Decision

Site visit made on 26 April 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022.

Costs application in relation to Appeal Ref: APP/T3725/W/22/3290656 21 Vine Lane, Warwick CV34 5BD

- 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 A Cummings on behalf of Anto Gerard Ltd for a full award of costs against Warwick District Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of 2no. 2no. bedroomed dwellings without complying with conditions attached to planning permission Ref W/14/0887, dated 5 August 2014.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance ('PPG') explains how costs may be awarded against a party who has behaved unreasonably, and thereby directly caused another party to incur unnecessary expense at appeal. Costs applications may relate to events, if not expenses incurred, before an appeal was brought.
3. The applicant's case for an award of costs is on substantive grounds, that the Council's decision, in refusing to remove condition 14, prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, namely relevant case law.
4. It will be seen from my decision that I found condition 14 to be necessary to prevent an unacceptable increase in parking stress. I also found that the condition is reasonable. I reached that decision having had regard to the judgement in R (oao Khodari) v Kensington and Chelsea & Cedarpark Holdings Inc [2017] EWCA Civ 333. In the particular circumstances of this case, I found that that judgement does not necessitate that condition 14 is removed. Moreover, insufficient evidence was before me to justify removal of the condition without risk of unacceptable harm to the living conditions of neighbouring occupants with respect to parking stress and the convenience of access to on-street parking spaces.
5. It follows that I cannot agree that the Council acted unreasonably in this case, or that the applicant was put to unnecessary or wasted expense.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Rachel Hall

INSPECTOR