



Costs Decision

Site visit made on 16 August 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Costs application in relation to Appeal Ref: APP/D1835/W/22/3295338 1-6 Court Mews, Farrier Street, Worcester WR1 3EL

- 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 Mark Edwards, Grolar Developments Limited for a full award of costs against Worcester City Council.
 - The appeal was against the refusal of planning permission for change of use of building from a 48-bed student House of Multiple Occupation (Sui Generis) to a 46-bed homeless refuge House of Multiple Occupation (Sui Generis).
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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 Council and wasted expense, for the reasons considered below.
4. On the information before me, the applicant's planning application was referred to the Council's Planning Committee in accordance with its adopted Scheme of Delegation.
5. The Council's report to the Planning Committee ('the Report') provides a summary of the proposal and references documents provided in support of the application, which members of Planning Committee would have had access to.
6. The Report also refers to relevant local and national planning policy and included a summary of representations made by neighbours and consultees. In particular, some of those expressed concerns about the fear of anti-social behaviour and crime. The report also includes reference to the submitted Management Plan.
7. Having considered the evidence before them, including representations from the applicant's representatives, the Planning Committee refused the planning application for three reasons set out in the Report. Even though I have found in favour of the applicant on some of the reasons for refusal, those reasons are

- based on reasonable planning grounds, are specific to the proposal and supported by reference to national and local planning policy.
8. In light of the above, the Report provides an adequate and balanced assessment of the proposal. Therefore, I am not persuaded that the Council took an automatic and discriminatory assumption that residents of the proposed accommodation would create nuisance. Also, on the basis of the information before me, I cannot be certain that the Planning Committee was not made aware of the existing facility at Pierpoint Street.
 9. For the above reasons, I am satisfied that the Council's decision on the applicant's planning application was made in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
 10. The applicant also asserts that the Council failed to appropriately fulfil its duties under Section 149 of the Equality Act 2010. However, this would be a matter for the Council as the decision maker and does not change the outcome of the appeal and this costs application.
 11. Given all of the foregoing, I find that the Council did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated.

M Aqbal

INSPECTOR