



Costs Decision

Site visit made on 11 October 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Costs application in relation to Appeal Ref: APP/R1845/W/22/3298447 Brown Westhead Park, Wolverley Road, Wolverley DY10 3PX

- 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 Alec Evans for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of three dwellings, garages and associated operational development.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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 considers that, in failing to provide a Planning Appeal Statement, the Council has made it difficult for the applicant to fully understand the reasoned justification for its decision. Furthermore, the PDF document entitled appeal statement was not correctly labelled, resulting in confusion about whether a statement had been submitted.
4. As such, in the applicant's view, this amounts to a lack of co-operation with the other party, delaying in providing information and failing to adhere to deadlines. This has resulted in additional unnecessary expense to the applicant establishing what had been provided and in researching the ramifications of this.
5. The Council considers that it has not acted unreasonably and that the Case Officer's report submitted with the appeal provided a detailed explanation for the refusal of the application. With no further information to add to this, they did not consider a further Appeal Statement was needed.
6. The PPG makes clear that Councils are required to behave reasonably in relation to procedural matters at the appeal. An example of unreasonable behaviour which may result in an award of costs includes lack of co-operation with the other party and failing to adhere to deadlines.
7. Though often helpful, there is no requirement for the Council to provide a Statement as part of its evidence and so the deadline for this was not missed.

However, the Council adopted a new Development Plan after the date that it determined the application, and after the Case Officer's Report had been published. This meant that there was little clear evidence regarding which of the new Development Plan policies it sought to use to justify and defend its decision.

8. As a result, I had to seek further clarification on this from the Council on several occasions, and I had to seek the applicant's views in response. To my mind, this is information that should have been provided with an Appeal Statement, and its absence amounts to a lack of co-operation and therefore unreasonable behaviour.
9. However, the substance of the appeal did not change as a result of the new Development Plan being adopted, which the appellant's Statement of Case covered. No further substantive information or evidence was provided by the appellant in response to the clarification I sought regarding the relevant new policies.
10. Although the applicant chose to research the implications of the absence of an Appeal Statement, this was not in my view essential. Furthermore, this and the PDF document confusion is likely to have only involved a small amount of time. As such, I am not convinced that the unreasonable behaviour has directly caused the appellant to incur unnecessary or wasted expense in the appeal process.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. I conclude that the application for an award of costs should be refused.

O Marigold

INSPECTOR