



Costs Decision

Site visit made on 23 November 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 January 2023

Costs application in relation to Appeal Ref: APP/R1845/W/22/3304207 16/18 Birmingham Road, Blakedown, Kidderminster DY10 3JE

- 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 G Warr of Eleven Eleven Property Limited for a full award of costs against Wyre Forest District Council.
 - The appeal was against the grant subject to conditions of planning permission for conversion and extension of existing properties to 3no. dwellings, together with construction of 3no. bungalows to rear.
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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 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, including that the Council imposed a condition that does not comply with the guidance in the National Planning Policy Framework on planning conditions and failed to provide evidence or any justification for the condition.
4. As I have reasoned in my appeal decision, the location of the proposal accords with relevant development plan policies being a small scale residential scheme within the settlement boundary. I have also reasoned that there is policy support for the proposed bungalows which would meet local housing need. Consequently I concluded that the disputed condition is not necessary to ensure the proposal would meet local housing need.
5. The Council's officer report confirms that the Council also considered that the proposed bungalows would meet local housing need. However they sought to justify the disputed condition on the basis that it would help ensure that individuals with a local connection would benefit from the proposed bungalows. I appreciate the applicant's frustrations and for the reasons given in my decision I have reached a different conclusion. Nevertheless, whilst I do not agree with the Council's reasoning, I cannot conclude that they failed to provide any justification for the condition.

6. Therefore, I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been clearly demonstrated. An award of costs is therefore not justified.

Rachel Hall

INSPECTOR