



Costs Decision

Site visit made on 14 February 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2023.

Appeal Ref: APP/H1840/D/22/3304674

12 St Andrew Road, Hampton, Evesham, Worcestershire WR11 2NR

- 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 Mrs Marion Allen for a full award of costs against Wychavon District Council.
 - The appeal was against refusal of prior approval for the erection of a single storey rear extension.
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Decision

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

Reasons

2. The 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 expense in the appeal process.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions.
4. The application was submitted for prior approval. This required the interpretation of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and its various conditions, limitation and restrictions with regard to the proposed single storey rear extension and whether the extension would extend from a side wall of the original dwelling by more than half the width of the original dwelling.
5. The GPDO sets out the conditions, limitations and restrictions in clear terms such that something is either permitted development or it is not. However, there are instances where the application of the various limitations and the like is not so straightforward and further consideration is required based on the facts of each individual property. In this case, it is what constitutes the part of the enlarged dwelling that would extend from the side wall of the dwelling and how wide it would be in relation to the width of the original dwelling.
6. I found against the appellant's interpretation in my decision, as did the Council. As walls would be knocked down, the proposed extension would extend across the entire width of the property, and not just from the side wall as part of the stepped elevation. I find the Council made the correct interpretation of the

proposal against the terms of the GPDO and was justified in coming to the decision it did.

7. As I have found the Council has not acted unreasonably, I need not concern myself as to whether wasted expenditure has occurred, as both tests need to be satisfied before an award of costs can be made.

Conclusion

8. I find that unreasonable behaviour, resulting in unnecessary or wasted expense at appeal as described in the PPG, has not been demonstrated. An award for costs is therefore not justified.

K Stephens
INSPECTOR