



Costs Decision

Site visit made on 30 August 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Costs application in relation to Appeal Ref: APP/R1845/W/23/3316369 Cedar Wood, Lea Lane, Cookley, Kidderminster, Worcestershire DY10 3RH

- 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 Miss S Ravenscroft for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of planning permission for one dwelling.
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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) 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 PPG sets out the examples of unreasonable behaviour by local planning authorities which includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and refusing planning permission on a planning ground capable of being dealt with by condition.
4. The e-mail exchanges between the applicant and the Planning Officer indicate that the application would be approved subject to her Planning Manager's sign off. It is not uncommon for Planning Managers to highlight their concerns having considered the information before them and then issue a decision under delegated authority. The decision is one which is a matter of planning judgement. From the evidence before me, there is nothing substantive to indicate that the Planning Manager, whilst coming to a different conclusion to that of the planning officer, failed to have due regard to the individual merits of the case or local and national planning policies.
5. It is apparent to me that the Council had legitimate concerns based on the evidence provided and has substantiated its position as outlined in the officer's report and on the decision notice which details the reason for refusal. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policy of the Wyre Forest District Local Plan that the proposal would be in conflict with.

6. Ultimately, I concur with the Council that the proposed development would be inappropriate development within the Green Belt and the very special circumstances necessary to outweigh this harm do not exist. This is not a matter that could be overcome through the imposition of conditions. Therefore, I disagree that the Council has prevented development which should have been permitted, failed to produce evidence to substantiate the reason for refusal or made vague, generalised or inaccurate assertions about the proposal's impact.
7. I acknowledge that the applicant attempted to engage with the Council at pre-application stage, but it appears that due to staff pressures no formal written advice was provided. The Council advises that a verbal response was given via telephone, but no details have been provided thus I cannot draw any conclusions about them. Nonetheless, in the absence of any such advice the applicant continued with the application and, therefore, at her own risk.
8. I sympathise with the frustration of the applicant that communication from the Council was intermittent and drawn out over several months. However, there is nothing before me to indicate that this was a deliberate attempt to delay the application.
9. As such, I do not find that the actions and the decision of the Council was so perverse as to amount to unreasonable behaviour. Therefore, unnecessary or wasted expense has not occurred and an award of costs is not warranted.

B Thandi

INSPECTOR