



Costs Decision

Site visit made on 27 September 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

**Costs application in relation to Appeal Ref: APP/P1805/D/23/3320466
Willow Barn, Holt Lane, Romsley, Worcestershire, B62 0ND**

Decision

1. The application for an award of costs is allowed in the terms set out below.

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 appellant's claim that the Council's decision on the application was flawed as it incorrectly identified Holt Farmhouse as a historic building and non-designated heritage asset whereas it was a relatively newly constructed building. Further there was no real evidence submitted about the effect on Naylor's Barn. This constituted unreasonable behaviour and led to the appellant having to prepare and submit unnecessary work to properly establish the position. The Council accepts that an error was made in describing Holt Farmhouse as a historic building but says the same issue applied to Naylor's Barn which was taken account of by the inspector in the appeal decision.
4. I set out two main issues in the appeal decision: the effect on the character and appearance of the host building and neighbouring farmhouse; and secondly the effect on the openness of the Green Belt. It is clear that on part of the first main issue the Council's case was based on the mistaken view that Holt Farmhouse was the original farmhouse and not a replacement building. This resulted in the appellant having to undertake additional work. However there was a legitimate issue in the relationship with Naylor's Barn and a judgement had to be made about the present form of this with the additions that have been added to the original structure. It was therefore reasonable for the Council to refer to this.
5. Overall I find that the Council acted unreasonably and the appellant was put to unnecessary expense but only in terms of the work necessary to establish that Holt Farmhouse was not a historic building and the costs involved should be limited accordingly.
6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of a failure to substantiate part of the first reason for refusal and a partial award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bromsgrove Council shall pay to Mr Gary Goddard, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in establishing a case about Holts Farmhouse not being a historic building; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Bromsgrove Council to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Murray

INSPECTOR