



Costs Decision

Site visit made on 24 October 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Costs application in relation to Appeal Ref: APP/H1840/W/23/3314516 Glenmore Farm, Cooks Hill, Wick, Pershore WR10 3PA

- 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 Phillip Deeley, Matthews Construction for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for conversion of redundant brick-built barn into a 3-bed 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 makes clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect of the substance of the matter under appeal. This includes not determining similar cases in a consistent manner and vague, generalised or inaccurate assertions about the impact of a proposal, unsupported by any objective analysis. They also include 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.
4. The Council has approved dwellings in locations further from the nearest village than the appeal site, including under the Prior Approval process. I have found that occupiers of the proposal would be reliant on private vehicles and that their sustainable travel choices would be limited, conflicting with policies in the Development Plan, although I have given this conflict limited weight.
5. However, the decisions of the Council in respect of the Prior Approval applications were made under a different legislative context which excludes locational sustainability as a consideration. The Prior Approval decisions are not therefore similar to the proposal and so, in refusing planning permission, the Council has not acted inconsistently or unreasonably. Moreover, each proposal should be considered on its own merits.
6. The objections of the Council in respect of access to bus services and other facilities were supported by evidence in respect of the treatment of Wick in the Development Plan hierarchy, and distance and suitability of the connections

between the village and the appeal site. As such, the position of the Council on this matter was not therefore vague, generalised or inaccurate.

7. In their evidence, the parties have differed on the degree of consistency between policies in the Development Plan and the National Planning Policy Framework, in particular its Paragraph 80. However, this is essentially a matter of planning judgement. The requirement for a marketing exercise is contained within the adopted Development Plan and so was not unreasonable, despite the more recent advice in the Framework and the emerging Development Plan. The Council did apply the test in Framework Paragraph 11 and was entitled to reach the conclusion on the balance as it did.
8. Accordingly, the Council has not prevented or delayed development which should clearly be permitted, having regard to its accordance with the Development Plan, national policy or any other material considerations. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred. An award of costs is not therefore warranted.

O Marigold

INSPECTOR