



Costs Decision

Hearing held on 5 September 2023

Site visit made on 5 September 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Costs application in relation to Appeal Ref: APP/J1860/W/23/3323917 Rosebud Meadow Camping Site, track from Marlbank Road to Welland Farm, Worcestershire, Welland WR13 6NB

- 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 Malvern Hills District Council for a partial award of costs against Miss Rosie Clare.
 - The appeal was against the refusal of planning permission for a three bedroom rural worker's dwelling as detailed in the Design and Access Statement and accompanying drawings.
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Decision

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

The submissions for Malvern Hills District Council

2. The Council's costs application was made orally at the hearing. They set out their case as being that if that applicant had been forthcoming with the relevant information on wages, an appeal would have been unnecessary. As, without this information, it was not possible to make a full assessment, the Council therefore submit that applicant acted unreasonably and caused wasted expense.

The response by Miss Rosie Clare

3. The response by the applicant was also made orally at the hearing. They state that other than the 2023 profits, all the information requested by the Council was available during the application process. They suggest that there was nothing more the applicant could have done and the issue stems from the Council not understanding how to assess the submitted accounts. The applicant admitted some delay in their response to the statement of case but that this arose from their being on holiday.

Reasons

4. 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.
5. It appears from the information before me that the applicant did not supply the business accounts with the submission of the planning application. However, it is clear that when these were requested by the Council they were supplied promptly and that the follow up questions were also answered. No further

requests for information were made by the Council and so if the Council were not able to make a full assessment, I do not find that this demonstrates unreasonable behaviour by the applicant. This is especially so given the narrow scope of the additional information required by the Council and that this was already present within the submitted accounts.

6. Whilst the applicant may not have responded quickly to the statement of case submitted by the Council, I note that they were on holiday and that some delay would therefore have been inevitable. Moreover, I find that this matter did not impact the appeal process.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR