The Planning Inspectorate

Costs Decision

Site visit made on 4 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Costs application in relation to Appeal Ref: APP/C4615/W/23/3320490
Land adjacent to 1 Dennis Hall Road, Amblecote, Stourbridge DY8 4EL

- 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 P Davis for a full award of costs against Dudley Metropolitan Borough Council.
- The appeal was against the refusal to grant planning permission for a proposed four bedroom detached dwelling.

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 appellant has set out that the Council has misapprehended the concept of "garden grabbing", which cannot be applied to a proposal where no existing dwellings are being demolished. However, the Council's definition of "garden grabbing" is set out in the Residential Design Guide Supplementary Planning Document and the decision was based on this definition. On that basis, I consider that the Council have not behaved unreasonably in applying the definition of garden grabbing.

4. The Council's delegated officer report provides background to the Council's decision to refuse this application, expanding upon, and giving more justification for the reasons for refusal. The officer report acknowledges that revised plans were submitted, and the further views of the Highways Authority were sought but no comments were received. The delegated report then goes onto consider the acceptability of the scheme against planning policy, in terms of access and parking. The Councils appeal statement also discusses the amended layout and whether it meets the Council's adopted policies in terms of, amongst other things, highways safety. On that basis, I consider that the Council have not behaved unreasonably in their approach to dealing with highway safety.

5. The appellant has set out that they engaged in protracted negotiations employing several agents in an endeavour to address the objections raised. However, it is unclear in what way the Council acted unreasonably and why that led to using several agents, or how that has led to unnecessary or wasted expense in the appeal process. Furthermore, I have limited information relating to the pre-application enquiry advice to ascertain how consistent it was with

their consideration of the application. In any event, I note this advice was not binding on the Council. On that basis, I consider that the Council have not behaved unreasonably in dealing with the application in the way they have, following pre-application advice.

Conclusion

6. For the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs therefore must fail.

N Bromley

INSPECTOR