



Costs Decision

Site visit made on 5 September 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Costs application in relation to Appeal Ref: APP/R1845/W/23/3318254 Wharton Park Golf Club, Longbank, Bewdley DY12 2QW

- 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 Wharton Park Golf and Country Club Ltd for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of planning permission for change of use of land for the siting of holiday lodge caravans.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that irrespective of the outcome of an appeal, costs may only 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 associated appeal process. The same guidance makes it clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Failing to produce evidence to substantiate a reason for refusal on appeal, or making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, are cited as examples and are reflected in the applicant's claim. The applicant also claims that the pre-planning advice given by the Council was disregarded that there were considerable delays in responding to the applicant.
3. Whilst I appreciate the outcome of the application will have been a disappointment to the applicants, the Council were not unreasonable in coming to that decision from the information they had available to them. The concerns raised in the reason for refusal are apparent in the delegated report which adequately sets out how the proposal, in the Council's opinion, would conflict with relevant adopted planning policies. Accordingly, I am satisfied that the Council's determination of the application and reasoning were credible and it was entitled to reach the decision it did. As such, the works undertaken by the appellant for the appeal were necessary.
4. Informal advice given before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors. I am also mindful that the proposed development was altered considerably during the course of the application. I therefore have no firm basis to conclude that the informal advice given was so misleading as to amount to unreasonable behaviour.

5. The applicant has also expressed concerns regarding a lack of communication with the Council during the application process, and the extended length of time taken to make the decision. Whilst this must have caused the applicant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant. I also find no substantive evidence that the appellant incurred any additional expense as a result of this delay, which was made on the basis of refusal of permission and not non-determination
6. I find nothing to suggest that a decision was reached other than on the basis of the merits of the proposal, as submitted by the applicant. I also find no evidence that the appellant incurred any additional expense as a result of this.
7. Accordingly, I do not find that the Council behaved unreasonably in their processing of the application and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision and were within their rights to not consider amended plans.
8. Accordingly, I do not find that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Tamsin Law

INSPECTOR