

Costs Decision

Site visit made on 1 December 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

**Costs application in relation to Appeal Ref: APP/R1845/D/23/3321657
Lye Head Farm, Lye Head Road, Lye Head, Bewdley,
Worcestershire, DY12 2UT**

- 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 Alan Rowles against the decision of Wye Forest District Council.
 - The appeal was against the refusal of utilisation of existing outbuilding as residential annex ancillary to Lye Head Farm.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 considers that the Council has behaved unreasonably in not having appropriate regard to its own policies, being inconsistent in its approach and failing to substantiate its decision. The appellant considers that the Council did not consider the application on the basis that it was submitted and that it failed to take account of the appellant's submissions.
4. In considering all of the information before me, I found the Council's Officer's Report to be clear and concise and for the findings within it to clearly relate to the Council's decision. Whilst I reached a different conclusion to the Council, I consider that it acted appropriately in considering the proposal against the adopted policies of the Local Plan¹. The Council substantiated its decision with clear reference to relevant planning policies.
5. The appellant has referred to different decisions by the Council, relating to other applications for development elsewhere. However, each of these relate to different planning applications in different locations and I do not have all of the information relating to each of these applications before me such that I can draw direct comparisons. However, notwithstanding this, each planning application is considered on its own merits and as above, I find that in this

¹ Reference: Wye Forest Local Plan 2016-2036 (2022).

case, the Council acted appropriately in considering the application against the policies of the adopted Local Plan.

6. The appellant considers that the Council did not consider the application on the basis that it was submitted. In determining that the proposal was contrary to the Local Plan, the Council disagreed with the appellant's view that the proposal was for an annex. In so doing, the Council substantiated its own view with direct reference to a relevant policy. In this regard, I refer in my decision to Local Plan Policy SP.13 and note that the proposed development would not be physically connected (and in such a way, annexed), to the main dwelling.
7. Again, whilst I reached a different overall conclusion to the Council, I consider that there is evidence before me to demonstrate that it considered the application appropriately.
8. The appellant considers that the Council failed to take the appellant's submissions into account. However, I note above that the Council's decision was reasoned, substantiated and appropriate. In this regard, I also note that, whilst the appellant submitted a Heritage Statement in support of the proposal, the Council did not find any harm in respect of heritage.
9. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N McGurk

INSPECTOR