



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: 30th January 2024

Costs application in relation to Appeal Ref: APP/H1840/W/23/3314468 Jarvis Street, Eckington, WR10 3AS

- 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 Lockley Homes and Eckington Parish Council for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for a development described as "detailed planning permission for the erection of 6 new dwellings with new access arrangements and associated works, a new school staff car park, plus change of use from agricultural to school land and related works."
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The application for costs asserts that the Council behaved unreasonably by providing inconsistent advice in relation to highways matters.
3. Whilst I appreciate that it might be frustrating for the applicant that the Highways Authority did not provide a response to the allocations contained within the Eckington Neighbourhood Plan (NP), a lack of response does not necessarily mean a lack of concern. In any event, it is not for this process to deal with the consultations regarding the NP. The Highways Authority's concerns were evident when the applicant made a pre-application submission to the Council and the Highways Authority raised concern about the proposed access for the scheme as a whole from Jarvis Street.
4. When the application was submitted, an altered access was not provided and the proposed use of Jarvis Street for the entire scheme continued. Upon reviewing the Highways Authority's responses, I am not convinced that they have altered their opinion. Whilst the first response stated that the principle of residential development would be acceptable, the further responses highlight that Jarvis Street already exceeds the Worcester County Council Streetscape Design Guide for Private Shared Drives and Courtyard Parking. It appears to me that they have reviewed the scheme in its entirety and have concluded that it would be unacceptable.
5. 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 proposed development would have a harmful impact on highway safety. The Highways Authority have maintained a consistent concern regarding the proposal throughout the pre-application and application process.

6. Accordingly, I do not find that the Council behaved unreasonably. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

7. 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