



Costs Decision

Site visit made on 31 January 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Costs application in relation to Appeal Ref: APP/T3725/D/23/3322331 Church Farm, Glasshouse Lane, Lapworth, Warwickshire B94 6PU

- 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 H Higgins for a full award of costs against Warwick District Council.
 - The appeal was against the refusal of planning permission for the erection of a single storey rear extension.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant submits that the Council behaved unreasonably because it took an illogical and unsubstantiated approach to determining whether the proposal would constitute inappropriate development in the Green Belt, and failed to identify what harm would be caused to the Green Belt.
4. PPG¹ lists examples of what type of behaviour may give rise to a substantive award against a local planning authority. This includes where they prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and where they fail to produce evidence to substantiate each reason for refusal on appeal.
5. The applicant then summarises key points of their substantive case, which it will be seen from my decision I ultimately found to be persuasive. Nevertheless, that of itself is not sufficient to show the Council acted unreasonably, nor does this decision seek to consider the merits of those points. Rather it relates to the behaviour of the Council.
6. Contained in the Council's Delegated Decision Worksheet is a thorough explanation of how they approached the national and local green belt policy. They further set out how they made floorspace calculations with respect to the appeal proposal, which led them to conclude the proposal would be a disproportionate addition to the original building.

¹ Paragraph: 049 Reference ID: 16-049-20140306

7. It will be seen from my decision that I acknowledged that the farmstead configuration of the appeal site possesses some complexity. As such, it was not straightforward or immediately obvious as to how to apply the relevant national and local green belt policies. Hence, even though I found that the applicant presented stronger arguments on the planning merits of the case, the Council did present a plausible explanation and sufficient justification for its position. Therefore, I cannot agree that this was a case where it was clear that the proposal should be permitted.
8. Having explained on what basis they found the proposal to constitute inappropriate development, it was not unreasonable for the Council to find that it would by definition be harmful to the Green Belt, as this was consistent with the National Planning Policy Framework.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. As such, the award of costs sought is not warranted.

Helen O'Connor

INSPECTOR