



Costs Decision

Site visit made on 10 January 2024

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Costs application in relation to Appeal Ref: APP/R3705/W/23/3323164 Heath House, 27 Birmingham Road, Whitacre Heath, Warwickshire B46 2ET

- 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 Ian Watts, of Space M Studio, for a full award of costs against North Warwickshire Borough Council.
 - The appeal was against the refusal to grant planning permission for Change of use from C3 Dwellinghouse to 'Sui generis' (Houses in multiple occupation).
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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 and the members of the planning committee did not read or digest the contents of the Planning Officer's report set out in the agenda; and ignored the professional advice of the planning officer, as well as other consultees.
4. The evidence suggests that the application was reported to the planning committee meeting of 31 October 2022 and subsequently deferred for a site visit. The application was then reported to the 5 December 2022 planning committee meeting.
5. While the Council's planning committee refused planning permission against the recommendation of its officers, that does not in itself justify an award of costs. Having regard to the evidence provided, including the minutes of the planning committee meeting, I consider that the Council gave clear reasons as to why, in their view, the proposal did not meet the requirements of Policy LP29(9) of the North Warwickshire Local Plan 2021.
6. Furthermore, the reason for refusal has been adequately substantiated by the Council in its Appeal Statement. Accordingly, I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

Conclusion

8. 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