



Costs Decision

Site visit made on 3 June 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Costs application in relation to Appeal Ref: APP/D1835/W/24/3337040 45 Westminster Road, Worcester, Worcestershire, WR5 1PB

- 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 Peter Styles for a full award of costs against Worcester City Council.
 - The appeal was against the refusal of planning permission for construction of a detached dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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's claim for costs is on the basis of the Council's delays in determining the application and the contention that this was intended to avoid the need to consider a shortfall in housing supply in reaching its decision, which was inconsistent with another application that it had approved.
4. I understand the sense of frustration which delays can cause, however, on the basis of the information before me, I do not consider that the Council behaved unreasonably in the procedure leading up to the appeal. The appellant's agent was emailed 3 weeks before the decision date, on 29 November 2023, with a detailed explanation of why the application would be recommended for refusal, including reference to a previously dismissed appeal at the site. The appellant was given an opportunity to withdraw the application at that time and declined to do so. This predated the revision to the National Planning Policy Framework (2023) (the Framework) which changed the requirements for Council's with regard to demonstrating housing land supply.
5. The appellant's agent also agreed to extend the deadline for determination to 22 December 2023, 2 days beyond the actual determination date and after the changes to the Framework were published. 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. Regarding the substantive issue of consistency, I have explained in my decision that the application referred to by the appellant which was approved by the Council was not directly comparable to the appeal proposal and the Council did not therefore behave unreasonably in reaching a different decision in refusing the appeal proposal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

P D Sedgwick

INSPECTOR