

Costs Decision

Site visit made on 17 June 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Costs application in relation to Appeal Ref: APP/R1845/D/24/3340626 Church View, Lea Lane, Cookley, Kidderminster, DY10 3TA

- 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 & Mrs T Billingham for a full award of costs against Wyre Forest District Council.
 - The appeal was made against the Council's decision to refuse planning permission for the demolition of conservatory and construction of a single storey rear extension and associated works.
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Decision

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

Reasons

2. The *Planning Practice Guidance* (the Guidance) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The basis for the appellants' costs application is set out in writing. In summary, the appellants consider that the Council prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Additionally, the appellants consider that the Council relied upon vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 4. The Council has not responded to the application.
 5. I find that much of the appellants' costs application represents an analysis of the reasons for refusal, the officer report and a virtual re-run of the grounds of appeal.
 6. Given that the scheme was amended and the intervention of the Christmas and the New Year holiday period, I do not consider that the determination was unreasonably delayed. Nor do I consider that the application should clearly have been permitted, particularly given the tension that I found in development plan policy as explained in my decision on the substantive appeal.
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7. Whilst the appellants consider the Council's assertions to be vague and generalised, the reason for refusal is as clear as can be in the context of circumstances which call for a subjective rather than objective judgments on the merits of a proposal. That I disagreed with the Council's view of the proposal does not automatically render the Council's assessment unreasonable particularly having regard to the content of the second criterion of Local Plan policy DM.25. The Council, with regard to the development plan in particular, was entitled to arrive at the judgment reached, notwithstanding that I did not share its view.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Accordingly, the application for costs is refused.

G Powys Jones

INSPECTOR