



Costs Decision

Site visit made on 18 June 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024

Costs application in relation to Appeal Ref: APP/R1845/W/23/3331459 Keens Farm, Callow Hill, Rock, Kidderminster, Worcestershire DY14 9XH

- 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 Ms Heather Bray for a full award of costs against Wyre Forest District Council.
 - The appeal was against the refusal of planning permission for the demolition of industrial buildings erection of one detached dwelling.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 applicant submits that the Council's reason for refusal was illogical and therefore that the decision was flawed. As a result, the applicant considers that the Council acted unreasonably and that this resulted in wasted expense through an unnecessary appeal.
4. It is clear from the planning application submissions that the Council were aware of the applicant's intention that the proposed dwelling be a self-build. In particular, the Council's Officer Report refers to the draft unilateral undertaking and that the Council acknowledges the dwelling as a custom build. No reference is made to the applicant not being on the register, or that this would be detrimental to their case. Whilst the self and custom build paragraph states that the Council does not have an outstanding requirement for this type of development, the Council does not identify that this is deemed to weigh against the proposal. On a plain reading that paragraph reads as having a neutral bearing on the assessment.
5. In contrast to this, the Council makes clear reference to the applicant not being on the self and custom build register as a reason for refusing the scheme. I find that the Council's reference to the self and custom build register would have sown doubt in the applicant's mind as to the accuracy of the Council's assessment. This would have therefore undermined the Council's decision and made the appeal more likely.
6. It is clear from the applicant's case for the associated appeal that the lack of certainty in the wording of the Council's report and decision with regard to self and custom build housing was a significant factor in their taking it to appeal. I

find it unlikely that the applicant would have sought an appeal had the Council more accurately outlined their reasons for refusal.

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wyre Forest District Council shall pay to Ms Heather Bray, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Wyre Forest District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Samuel Watson

INSPECTOR