

Costs Decision

Site visit made on 18 July 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Costs application in relation to Appeal Ref: APP/H1840/D/24/3344743 25 Hawthorn Road, Evesham, WR11 1HP

- 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 Mrs Hillary Steadman for a full award of costs against Wychavon District Council.
 - The appeal was made against the Council's decision to refuse planning permission for a new single storey annex side extension to form new principal front elevation.
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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 have been permitted; failed to take appropriate account of important material considerations, including the personal circumstances of the applicant, and failed to manage the application process in an appropriate manner.
 4. The Council has not responded to the application.
 5. I am charged with determining the appeal on its planning merits. It does not fall to me to examine or comment on the Council's administration of the application or its relationship with the applicant or their agent.
 6. The application was dated 19 March 2024 and the decision notice issued on 17 May 2024. This is an acceptable time period in which to determine an application, and I cannot therefore agree that the Council delayed its consideration. I also note that additional material, including amended plans, was submitted by the applicant, but this was very late in the day, and much of this could and should conceivably have been submitted earlier if the applicant had wanted it to be taken into account.
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7. Nor do I consider that the application should clearly have been permitted. The reason for refusal is as clear as it can be in circumstances which call largely for a subjective judgment on the merits of a proposal. The officer report sets out the main issues plainly and is otherwise thorough and comprehensive in its content and assessment.
8. That I disagreed with the Council's view of the proposal does not automatically render the Council's assessment unreasonable. The Council, with regard to the development plan and its Design Guidance, was entitled to arrive at the judgment reached, notwithstanding that I did not share its view.
9. 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