The Planning Inspectorate

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: 23 August 2024

Costs application in relation to Appeal Ref: APP/H1840/W/24/3341594
Hawford Grange, Hawford, Worcester WR3 7SG

- 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 S Loveridge for a full award of costs against Wychavon District Council.
- The appeal was made against the Council's decision to refuse planning permission for the construction of a live/work unit.

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 having regard to its accordance with the development plan; secondly, it failed to determine similar cases in a consistent manner.

4. As the appellants rightly say, the Council did not utilise policy SWDP8 in refusing the scheme. Indeed, the officer report indicates clearly that the proposal was compliant with this policy. However, as I found, other policies are relevant in assessing the proposal and a certain level of tension is evident between aspects of policies SWDP8 and SWDP4, the latter policy being partly promulgated on promoting sustainable travel.

5. The appeal scheme was unusual in the sense that it involved a live/work unit related to a main business place sited elsewhere and meant to operate in conjunction with it. I share the appellant's view that the Council's policies are not explicitly inimical to such arrangements. However, I do not consider it unreasonable for the Council to take account of the likely travel implications of what was to them a novel proposal in the context of the sustainable travel provisions of policy SWDP4.

6. The unusual nature of the proposal also influenced the Council, not improperly in my view, in distinguishing it from the several examples cited by the appellant of live/work units being granted elsewhere in this part of the County either by the local planning authority or on appeal. This is particularly so in the case of the unit granted permission in relatively close proximity to the appeal site, which, unlike the appeal proposal, clearly involved a unit to be established in conjunction with an adjacent business. Whilst permissions run with the land, and personal occupancy conditions are not normally imposed on live/work units, in my view, the particular circumstances of this case were such as to justify the Council distinguishing it from the other examples referred to by the appellants.

7. 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 all aspects of the development plan, 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