

Costs Decision

Site visit made on 29 August 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

**Costs application in relation to Appeal Ref: APP/H1840/W/24/3341252
Land to rear of Brock House, Low Road, Church Lench, Worcestershire,
WR11 4UH**

- 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 Mark Donald of H2Land Ltd for a partial award of costs against Wychavon District Council.
 - The appeal was made against the Council's decision to refuse outline planning permission for the for the erection of up to 19 dwellings (including affordable homes) together with associated works, SUD's and landscaping.
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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 and was made late in the day following the receipt of the Council's statement of case. The application is directed to the point referred to in paragraph 4 of the appeal decision letter, that is, that the Council now contends that the reasons for refusal should have referred to another development plan policy.
 4. The appeal was already made when the costs application was submitted, and the costs involved in appealing were therefore already incurred. The appellant acknowledges that the additional costs and expense in pursuing this specific matter are not significant, and that certainly appears to be the case to me.
 5. Whilst I understand the appellant's reasons for pursuing the point, I am not convinced that the Council's stance falls into any category of unreasonable behaviour as set out in the Guidance, although the examples provided are not exhaustive. Whilst possibly ranking as an administrative sleight of hand I would not describe the Council's action as unreasonable in the terms set out in the Guidance. The appellant has not been disadvantaged by the Council's action and in my estimation, no meaningful additional, unnecessary or wasted expense has been incurred.
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6. 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 a partial award of costs is refused.

G Powys Jones

INSPECTOR