Planning Inspectorate

Costs Decision

Site visit made on 26 November 2024

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2025

Costs application in relation to Appeal Ref: APP/W1850/X/24/3348937
Redwood Orchard, Redwood Lane, St. Michaels, Tenbury Wells, Herefordshire WR15 8TL

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by TCPP Ltd for a full award of costs against Herefordshire Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for the stationing on site of a shipping container for use ancillary to the lawful agricultural use of the land.

Decision

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

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. At the time of my site visit, there was a lorry body on site that appeared to have been on the site for sometime. However, there is no evidence of the planning history of this lorry body or whether a lawful development certificate (LDC) has ever been sought for it. Therefore, by reason that an LDC was sought for the proposed container and the Council have never made a decision on an LDC application for the lorry body, it is not possible to say the Council have not been consistent in their decision making. Therefore, there has been no unreasonable behaviour by the Council in respect of this matter.

4. The Council's reasons as set out in their evidence is complete, precise, specific and relevant to the proposal. I acknowledge the appellant does not agree with the Council's position. However, that is not a basis for substantiating unreasonable behaviour.

Conclusion

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

A Walker

INSPECTOR