



Costs Decision

Site visit made on 16 January 2025

by **Zoe Raygen DipURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 February 2025

Costs application in relation to Appeal Ref: APP/P1805/W/24/3346123

43A Barkers Lane, Wythall, BIRMINGHAM, Worcestershire, B47 6BY

- 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 Distrykt Limited for a full award of costs against Bromsgrove District Council.
 - The appeal was against the refusal of planning permission for the demolition of an existing dwelling and the buildings associated with the caravan storage and kennels. Erection of 27 dwellings with associated road, landscaping, infrastructure and external works.
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Decision

1. The application 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. The applicant considers that the Council has acted unreasonably by refusing to allow a pre-application submission for the proposed development, withholding information from the planning committee that could have led to a different decision and incorrectly interpreting the requirements of paragraph 11d of the National Planning Policy Framework (the Framework).
4. It is right that there is a requirement for the Council to work with an applicant in a positive and proactive manner when considering planning applications. It is also correct that the Council refused to accept an application for pre-application advice.
5. However, as specified on the Council's website, the Council will not deal with any pre-application enquiry submitted to the Development Management function where a parallel submission to the Strategic Planning Team regarding the plan review process has been lodged. The applicant was advised of this in an email dated 29 June and the application fee was subsequently refunded. The Council has been very clear in the way it deals with applications for pre-application guidance and therefore I do not consider that the Council has been unreasonable in this respect.
6. The application was reported to the Planning Committee at its meeting on 11 December 2023 where Members considered a thorough application report, an officer update and the views of the applicant who was entitled to speak at the meeting.

7. The planning application report refers to paragraph 149g of the Framework as it was then, and while it does allude to the proposal having a greater impact on openness than the existing structures on site, it does conclude that the proposal would have a substantial impact on openness. I am satisfied therefore that the correct test was applied. The first paragraph of the planning application report refers to paragraph 138 of the Framework. Therefore Members would have been aware of the purposes of the Green Belt in their considerations and the effect of the development on these purposes is further explained in the following paragraphs.
8. The application report refers to the applicants LVIA but discounts it in relation to the assessment of the openness of the Green Belt. However, I am satisfied that the issues raised in the LVIA regarding openness have been assessed in the determination of the planning application in talking about the site in its current form. Members also had access to the Landscape Officers comments which are included in the report.
9. The fact that the Council, or myself in my decision, did not agree with the applicant is not unusual in these circumstances. Furthermore, I found in my decision that the previous appeal on the site related to the caravan site only. It proposed only 18 caravans with a domestic layout, replacing a use for the storage of up to 100 caravans. This is very different to the proposal before me for consideration now and hence I gave the conclusions only limited weight in my determination.
10. The Council in its conclusion in the application report clearly sets out the correct balances to be carried out, first in respect of the Green Belt and secondly with regard to paragraph 11d of the Framework. As it has found harm to the Green Belt then it correctly identifies that paragraph 11di is relevant.
11. As well as the application report, the Council also provided cogent reasoning in its statement of case for this appeal which reinforced its decision having reference to the development plan and the Framework. Therefore I do not consider that the Council has acted unreasonably in this respect.
12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs

Zoe Raygen

INSPECTOR