



Costs Decision

Site visit made on 14 January 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Costs application in relation to Appeal Ref: APP/H1840/W/24/3346250 47 High Venture, Lower Cladswell Lane, Cookhill, Worcestershire B49 5JY

- 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 T Jarvis of Jarvis Construction Group Ltd for a partial award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and erection of 3 new dwellings with associated works.
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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. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The first refusal reason deals with matters relating to infill development in the Green Belt as well as more general design matters and this is reflected by the policies within the South Worcestershire Development Plan (SWDP) that have been referred to.
5. The refusal reason sets out that the proposal to fill almost the entire width of the plot would be inappropriate development in the Green Belt and summarises the Council's case that the proposal would not be limited infill development in a village. Reference is specifically made to policy SWDP2E in the SWDP which relates to development in the Green Belt.
6. The Officer's Report also provided an objective analysis of the development with regard to local and national Green Belt policy. This considered whether the scheme could be considered 'limited infill' in accordance with Paragraph 154 of the National Planning Policy Framework (the Framework).
7. Whilst the Officer's Report could have been better signposted, there is a conclusion that the proposal was not considered to be 'limited infilling' in a village and would thus be in conflict with paragraph 154 of the Framework. After this an assessment

- of the effect of the scheme upon the openness of the Green Belt is required which has also been undertaken. The Officer should have concluded that the development was inappropriate development in the Green Belt prior to this, but the content of the assessment is generally consistent with the approach that should be taken for schemes that have been determined to be inappropriate development in the Green Belt.
8. The Council also provided objective analysis regarding the differences between the scheme that was approved nearby¹ and the appeal scheme and the weight to attribute to material considerations is matter of planning judgement by the decision maker.
 9. On balance, the Officer's Report and the evidence provided with this appeal carried out an objective analysis of this element of the proposal. The refusal reasons were substantiated with reference to relevant local and national policies and material considerations.
 10. For the reasons set out in my Appeal Decision I came to a different conclusion to the Council on the planning merits of the scheme on both Green Belt and design matters. However, the weight that is attributed to the material considerations is a matter of planning judgement by the decision maker.
 11. For costs to be awarded there would have to be unnecessary or wasted expense in the appeal process. It is not evident, based on the submissions by the Council that the appeal would have been avoided if it had come a different conclusion regarding whether the scheme was limited infilling in a village, given the Council's concerns with the design of the scheme. Whilst the applicant has concerns about the handling of the application, vague, generalised, or inaccurate assertions about the proposal's impact were not made in the reasons for refusal. The Council did not prevent development which should clearly have been permitted.
 12. The applicant was disappointed with the Council's handling of the application, procedures and outcome. However, its submissions were, on balance, sufficient to substantiate its case and its behaviours and actions at the time of the planning application and appeal have not resulted in unreasonable behaviour or unnecessary or wasted expense at the appeal stage.

G Sibley

INSPECTOR

¹ W/22/01536/TDC5