
Costs Decision

Site visit made on 11 February 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Costs application in relation to Appeal Ref: APP/T3725/W/24/3349909

Land North of Bakers Lane, Knowle, Solihull B93 8PT

- 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 Edmond Flaherty for a full award of costs against Warwick District Council.
 - The appeal was against the refusal of planning permission for the change of use of land to the keeping of horses and the erection of two stables and tack room.
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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. The applicant contends that the Council failed to properly consider the substantive merits of the scheme in relation to the land available to the applicant and failed to engage positively with them during the determination of the planning application.
3. In respect of the Council's consideration of the provision of grazing land, its concerns in that regard are set out in the Decision Notice, with further justification provided in the Delegated Decision Worksheet. Although I have reached a different conclusion, it does not automatically follow that the Council's view was unreasonable, given that it was a matter of planning judgement.
4. Moreover, it is clear from the planning history of the site, and in particular the email exchange in relation to the previously withdrawn application for similar development at the site¹, that the applicant was aware of the Council's concerns from an early stage. As such, the Council were proactively engaged with the applicant in that regard.
5. Accordingly, while I acknowledge that the outcome of the planning application will have been a disappointment to the applicant, for the foregoing reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

E Worley INSPECTOR

¹ LPA Ref. W23/0459