



Costs Decision

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 08 April 2025

Costs application in relation to Appeal Ref: APP/W1850/X/24/3357500
Log Cabin At Redwood Orchard, St Michaels, Tenbury Wells, Herefordshire,
WR15 8TL

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 appellant submits that the Council has acted unreasonably in refusing an application that should have been approved having regard to the submitted Counsel advice for a similar development and considering that a Lawful Development Certificate has been granted on appeal to site a caravan on the appeal site for purposes ancillary to the agricultural use of the land. The appellant has therefore had to incur wasted costs in preparing and lodging an appeal which could have been avoided had the Council not refused the application without good reason.
4. In response the Council contend that they carefully considered the facts of the case when considering the application, and their officer report (OR) clearly set out why permission should be refused. Based on the reasoning in the OR it was not unreasonable to refuse the application.
5. The PPG advises that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or unreasonably defending appeals. Examples include: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; acting contrary to, or not following, well-established case law; persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable¹.
6. It can be seen from my decision that I found the Council's decision to be well-founded. The OR clearly sets out the planning history, the proposal, legislative background and an assessment of the application proposal. The Counsel opinion submitted in support of the appeal related to a different site, and it can be seen by

¹ PPG: Paragraph: 048 Reference ID: 16-048-20140306.

my decision that, in that case, the assumption was that the structure being sited was a caravan. I found in this case that the details submitted were not sufficiently precise or unambiguous for me to conclude that the proposal is for a caravan and not a building. The previous Inspector's decision was also made based on a caravan being sited on the Land². Thus, it differs from this case where I found that the facts do not confirm that the structure to be sited on the Land is a caravan.

7. For the reasons given above, I am satisfied that the Council adequately substantiated their reason for refusal and therefore the appeal could not have been avoided.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated.

Elizabeth Pleasant

INSPECTOR

² APP/W1850/X/22/3295616