
Costs Decision

Site visit made on 1 April 2025

by **E Catchside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Costs application in relation to Appeal Ref: APP/H1840/W/24/3354136 Orchard Farm, 96 The Ridgeway, New End, Astwood Bank, Worcestershire B96 6LX

- 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 and Mrs D Coffin for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings and erection of commercial unit and 2 x live-work units together 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 also provides examples of where a local planning authority may be at risk of a substantive award of costs. These include where they provide vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, and by not determining cases in a consistent manner.
4. The application is made on the basis that the Council made a fundamental and inaccurate assertion in concluding that the development would not comprise a live/work unit, and that it failed to apply a consistent approach to a decision it made for a live/work unit on another site.
5. There are some similarities between the planning application scheme at Rous Lench¹ and the appeal proposal, and it is regrettable that the Council has not elaborated on the reasons why the outcome of the applications differed in its evidence. Nonetheless, there are differences between the two schemes including their location and site characteristics, and the detailed proposals. Therefore, that the Council came to a different conclusion on these two applications does not mean its decision making is fundamentally inconsistent.
6. Moreover, given that there is no definition of a live/work unit in the South Worcestershire Development Plan (Adopted February 2016) (SWDP), it was not unreasonable for the Council to seek to satisfy itself that the proposal constitutes a

¹ Planning application reference W/22/01258/FUL

live/work unit, particularly given this is the basis upon which the development would carry support from Policy SWDP8 of the SWDP. Whilst I have come to a different conclusion to the Council based on the evidence available to me, I do not find the Council's reasoning on this matter to be fundamentally flawed or lacking in objective analysis.

7. Overall, I conclude that unreasonable behaviour resulting in unnecessary and wasted expense in the appeal process has not been demonstrated. The application for a full award of costs is therefore refused.

E Catchside

INSPECTOR