



Costs Decision

Site visit made on 25 March 2025

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Land at the rear of 17 Alexander Close, Catshill, Worcestershire B61 0PF

Costs application in relation to Appeal Ref: APP/P1805/W/24/3354450

- 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 Bill Heneghan for a full award of costs against Bromsgrove District Council.
 - The appeal was against the refusal of the Council to grant permission in principle for the erection of one bungalow.
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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. Examples of unreasonable behaviour include preventing or delaying development which clearly should be permitted, inaccurate assertions about the proposal's impact and failure to produce evidence to substantiate reasons for refusal on appeal.
3. The applicant asserts that the Council has failed to provide a correct interpretation of the PPG for permission in principle stage, and that this has led to unreasonable delay and wasted expense in pursuing an appeal.
4. In particular, it is stated that the Council incorrectly applied national and local flood risk policy. However, for the reasons stated in my appeal decision flood risk policy is applicable at this first stage of permission in principle. Moreover, while there may be some policy support for this proposal at this location in other terms, I agree with the Council that, within the scope of matters that can be considered at this initial stage, there is conflict with national flood risk policy. Therefore, the Council did not delay development that should have clearly been permitted.
5. Although I do not agree with the Council on the other reasons for refusal in this case, impacts on character and living conditions are matters of judgement. While such matters can only be fully appreciated once a detailed scheme has been submitted, these factors can also be assessed in more general terms, with occasions where the location, proposed use of it and amount of development proposed would not be acceptable in principle. Moreover, individual judgements may vary. In any event, the Council substantiated all its reasons for refusal with reference to relevant policies, such that its reasoning was neither vague nor

generalized. Also, the Council went on to provide evidence to substantiate these reasons through this appeal process.

6. Regarding other concerns raised, as already addressed in my appeal decision, although there may have been consent for a similar type of development proposed in this case, this is no longer extant. Furthermore, the Council's evidence correctly highlighted that the previous consent was decided in a distinctly different policy context than that which exists now.
7. It is also contested that the application was not handled in a positive or proactive manner by the Council. However, no convincing evidence has been advanced to support this assertion or that the Council's actions have led to an unnecessary appeal in this case.
8. In light of the above, it has not been demonstrated that the Council has behaved unreasonably during the application process or in refusing permission in this case. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and therefore I conclude an award of costs is not warranted.

A J Sutton

INSPECTOR