
Costs Decision

Site visit made on 9 April 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Costs application in relation to Appeal Ref: APP/P1805/W/24/3354657

2 Kenyon Close, Bromsgrove, Worcestershire, B60 2DL

- 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 Tom Collings for a full award of costs against Bromsgrove District Council.
- The appeal was against the refusal of permission in principle for the erection of a single dwelling.

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 applicant contends that the Council has behaved unreasonably by 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. This is because the applicant considers the Council to have misinterpreted advice set out in the PPG regarding the scope of a permission in principle (PIP) stage 1 application. The applicant is also of the view that the Council provided vague, generalised and incorrect assertions about the proposals impact. The Council refutes these claims.
4. It is clear from the Council's officer report that it understood that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. The approach taken to determining a permission in principle will depend largely on the evidence provided. In this case, there was no indicative layout or detailed design supporting the application.
5. There are many issues that could fall within the ambit of location, land use and amount of development in addition to the appeal site's accessibility to services and facilities. This will vary on a case-by-case basis but can include the effects of the type and amount of development on the character and appearance of the area and living conditions of future and existing occupants, which is demonstrated in the appeal decision¹ referred to by the Council. It is unfortunate that this appeal decision was not brought to the appellant's attention during the application process, but not unreasonable. The Council's conclusion that the appeal site is a sustainable

¹ Appeal Reference: APP/P1085/W/22/3304104

location for a dwelling in terms of access to services and the settlement hierarchy, would not have on its own necessarily justified granting permission in principle in this case. Indeed, following consideration of the application on its merits alone, I have concurred with the Council.

6. The Council clearly explained its approach and reasoning for refusing the application in its officer report. Its approach did make some broad assumptions regarding the layout and design of the proposed dwelling. However, given the size and context of the appeal site, and taking into account the Council's conclusion that a single storey dwelling on the appeal site would not be acceptable, I do not consider the Council's assumptions to have been unreasonable. Indeed, I have assessed the proposal in a similar way.
7. The applicant also considers that the Council failed to act positively or proactively to requests for open discussion and issued a refusal without providing opportunity to liaise over issues raised in the correspondence with the planning officer regarding the requirements of a Stage 1 Permission in Principle application.
8. Nonetheless, the email correspondence provided by the Council shows that the planning officer sought additional time to consider the case for approval put forward by the applicant prior to a decision being made. Acting in a positive and proactive manner is not synonymous with an approval of permission in all cases. Given the differences between the views of the appellant and the Council regarding the scope of the PIP assessment, I am of the view that it is unlikely that further discussion on this would have made a significant difference to the Council's determination of the application. Thus, an appeal could not have been avoided in this case.
9. For the reasons above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated and that an award of costs is not justified.

Hannah Guest

INSPECTOR