



Costs Decision

Site visit made on 16 April 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Costs application in relation to Appeal Ref: APP/P1805/W/24/3356588 Land Adjacent to 54 Rock Hill, Bromsgrove, Worcestershire, B61 7LP

- 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 H2Land for a full award of costs against Bromsgrove District Council.
 - The appeal was against the refusal of outline planning permission for development of 8 x 1bedroom flats, cycle and bin stores and other 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 applicant contends that Bromsgrove District Council (BDC) has behaved unreasonably. It is the view of the applicant that serious irregularities have taken place in the handling and determination of the application, which have culminated in the need to appeal the decision. The applicant contends that Worcestershire County Council (WCC), in their role as the Highway Authority, an independent statutory consultee, has been inappropriately influenced, which has resulted in a reluctant change to its formal recommendation.
4. I have before me emails involving correspondence between officers of BDC and WCC, as well as an external transport consultant, who I understand was advising WCC on the application. This type of correspondence is not unusual, rather it is an example of the type of frank internal conversation that is sometimes necessary during the consideration of a proposal and the most appropriate mechanism to address concerns. It also demonstrates that the change in the Highway Authority's recommendation was informed by a comprehensive discussion. The final position of WCC and BDC are those set out the Highway Authority's final recommendation and BDC's officer report, as well as the written evidence to the appeal.
5. The Highway Authority is not bound to adopt the professional or technical advice provided by an external consultant. Neither is BDC, as the Local Planning Authority, bound to adopt the professional or technical advice of the Highway Authority. The Decision Notice clearly sets out the Local Planning Authority's reason for refusal and the policies the proposal would conflict with. This is substantiated by a detailed assessment of the proposal set out in the Highway Authority's final recommendation and summarised in BDC's officer report.

6. Furthermore, it is evident from the email provided by BDC in response to this application, that BDC worked with the applicant in a positive and proactive manner. The applicant was given time to address the Highway Authority's comments and an opportunity to amend the proposal, as well as to receive feedback from BDC.
7. It is unfortunate that the Highway Authority changed its recommendation on the application more than once during the determination process. I appreciate that the final recommendation would have been a disappointment to the applicant, particularly following previous more positive recommendations. However, neither the Highway Authority nor the Local Planning Authority were unreasonable in coming to their decision. Indeed, following consideration of the application on its merits alone, I have concurred with both parties.
8. I conclude that it has not been demonstrated that unreasonable behaviour has resulted in an appeal which would not have otherwise been necessary. The Highway Authority's consultation response to the application and Council's officer report provide sufficient reasoning to inform the appeal and have not resulted in any unnecessary or wasted expense in the appeal process. Given this, and having regard to all other matters raised, an award of costs is therefore not justified.

Hannah Guest

INSPECTOR