



Costs Decision

Site visit made on 24 April 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

Costs application in relation to Appeal Ref: APP/V4630/Q/24/3358297 197 Aldridge Road, Streetly B74 3TR

- 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 Mrs Pauline Richards for a full award of costs against Walsall Metropolitan Borough Council.
 - The appeal was against the refusal to discharge a planning obligation which relates to a dwelling house for agricultural use attached to permission reference BC42913P.
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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 is seeking a substantive award of costs on the grounds that the Council's refusal is based on the ability of the obligation to prevent development on the site, which it does not and that in any event no development is proposed. The applicant also considers that the Council has used an incorrect interpretation of Green Belt policy in the decision making process that led to the decision to refuse the application, and sought to use the obligation to prevent a hypothetical proposal for development that would be the subject of a planning application that would need to be considered and where the obligation would add no additional control. The applicant is also of the view that the Council has sought to exert a level of control over development which is over and above the remit of the planning system.
4. The Council relies in its submissions on what it considers is the fundamental purpose of the planning obligation, namely to protect the land and the Green Belt from encroachment and unacceptable ad hoc housing. Its reason for refusal is consistent with this position and clearly explains on what grounds the Council considered the discharge of the obligation to be unacceptable. The development plan policies and the National Planning Policy Framework (Framework) references cited are also pertinent to the reason for refusal.
5. In addition, the Council's appeal statement amplifies the reason for refusal and comments on the applicant's case. While I disagree with the Council's decision, this is not a case where a contrary view could not be taken because of the strong level of protection that is afforded to the Green Belt. Differing views on the merits of the case does not in itself lead to a finding of unreasonable behaviour. The

obligation does not prevent development and no development is proposed, but my understanding of the Council's position is that it more greatly relied on that if the obligation was discharged, it could lead to further pressure for development in the Green Belt for an agricultural worker's dwelling associated with the land.

6. The applicant is also of the view that the Council has not been sufficiently categorical that a new agricultural worker's dwelling would represent inappropriate development and very special circumstances would need to be demonstrated for permission to be granted. As there are a number of exceptions to the construction of new buildings in the Green Belt under the Framework, it is not unreasonable for the Council to suggest that it 'could' be inappropriate development, as that would depend on the particular circumstances of such an application.
7. While such an approach to development management is precautionary and the Council would have the ability to decide on a planning application for such development, again this position is not unsurprising due to the Green Belt location. Trying to discourage a future application is not therefore unreasonable, whether this is deemed 'hypothetical' or not, especially as the Council considers there are development pressures in this part of the Green Belt and this was uncontested.
8. I also disagree that the Council has sought to exert an undue level of control, also because of the protection that is afforded to the Green Belt through the planning system.
9. I have also considered whether a partial award should be made, but I reach the same overall conclusion. The Council has provided sufficient evidence across all the grounds and so such an award of costs is also not justified. As I have not found unreasonable behaviour, I do not have reason to consider whether unnecessary or wasted expense has been incurred.

Conclusion

10. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not, therefore, justified.

Darren Hendley

INSPECTOR