
Costs Decision

Site visit made on 21 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Costs application in relation to Appeal Ref: APP/H1840/W/25/3359315

Albert House, Pershore Road, High Park, Whittington, Worcester WR5 2RS

- 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 & Mrs M Collins for a full award of costs against Wychavon District Council.
- The appeal was against the refusal of permission in principle for construction of up to 2no. dwellings

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 states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and not determining similar cases in a consistent manner.
4. It is the applicants' view that the Council has acted unreasonably by preventing the proposal, which they consider should have been found to represent sustainable development in light of the Council's chronic housing shortage of just 1.1 years, and the assessment under paragraph 11d) of the National Planning Policy Framework. The applicants contend that the Council's Officer Report is littered with mistakes and the assessment wholly unrelated to the appeal scheme. Also, that the Council's assessment of the accessibility of the proposal was not consistent with other applications for permission in principle, which it had approved.
5. Although as part of my determination of the appeal I did not identify any conflict with Part A of Policy SWDP 2 of the South Worcestershire Development Plan, (2016) (Local Plan), this is a matter of judgement, and it is not unreasonable for the Council to come to a different conclusion. In any event, I found the proposal would conflict with Part C of Policy SWDP 2 of the Local Plan and that it would be at odds with the development strategy. Compliance with one part of this policy, even if it relates to the principles underpinning the policy, does not mean that the development should clearly be permitted. Indeed, following consideration of the

appeal on its own merits, I have concurred with the Council that the harm arising from the proposal would significantly and demonstrably outweigh its benefits and therefore material considerations would not justify allowing the appeal.

6. Notwithstanding this, and while I appreciate the need for consistency in decision-making, part of the Council's assessment of the proposal in its Officer Report is largely identical to an assessment relating to a different application¹. This part of the assessment includes an inaccurate statement regarding the context of the appeal site, stating there to currently be no development to the east, west and north of the site, when Albert House and High Park House are located to the west and east respectively. This part of the assessment also states, "Given that the physical characteristics of the site have not changed, it is still considered that the development would result in an encroachment of the built form of the village into the open countryside." Nonetheless, it is unclear where this conclusion was drawn from in the first instance, as neither the Council's Officer Report on the previous application at the appeal site² nor the Appeal Decision³ came to this conclusion.
7. These inaccuracies are unhelpful, as are some other observations in the Council's assessment and the limited evaluation of the previous application and appeal on the appeal site. They cast some doubt over the thoroughness and objectivity of the analysis undertaken by the Council and its assertions regarding the impact of the proposal on landscape character. Nevertheless, the proposal was also refused for representing unsustainable development by virtue of the site being located outside of the defined settlement boundary and some distance from any designated settlement within the open countryside. This reason for refusal is clearly stated on the Council's Decision Notice and detailed in the Council's Officer Report. The applicants also recognised that the proposal would represent a departure from Policy SWDP2 in this regard.
8. Given this, I am of the view that, in this case, an appeal could not have been avoided and there is no substantive evidence before me that the applicants incurred any additional expense in the appeal process as a result.
9. It is the view of the applicants that Worcester Parkway Railway Station would be within walking distance of the appeal site. However, this is a matter of judgement, and the Council's analysis in this regard was not unreasonable. The Council's Officer Report includes a detailed analysis of the accessibility of the appeal site and reasoned conclusions. The Council therefore did not fail to properly evaluate the proposal in this regard.
10. In terms of determining similar cases in a consistent manner, the examples referred to by the applicants are not located in the same group of houses as the appeal site. The relationship between these sites and the nearest settlements is therefore different to that of the appeal site, as is their accessibility. Application Ref: W/24/02308/PIP is perhaps the closest relatively speaking in characteristics to the appeal proposal. Nonetheless, there are still substantial differences between this proposal and the appeal proposal, particularly in terms of accessibility. The Council was therefore not unreasonable to afford these examples limited weight in its assessment. Indeed, I afforded them limited weight in mine.

¹ Planning Ref: W/24/00654/PIP

² Planning Ref: W/14/01076/OU

³ Appeal Ref: APP/H1840/A/14/2227505

11. The South Worcestershire Development Plan Review (emerging Local Plan), which places the appeal site within a Strategic Growth Area, is still at examination, and the Council has not yet received the Inspector's report on the soundness of the policies. As such, it was not unreasonable for the Council to afford it limited weight in its assessment of the proposal.
12. I note that the Council's Officer Report for application W/22/02549/PIP refers to the proximity of that site to Worcestershire Parkway Train Station and its inclusion in the SWDPR allocation. However, these matters are not given explicit weight as part of the overall assessment of the application, rather they are referred to in relation to whether development on the site would be isolated, which was not raised as part of the assessment of the appeal proposal.
13. For the reasons set out above, I conclude that it has not been demonstrated that unreasonable behaviour has resulted in an appeal which would not have otherwise been necessary, or in unnecessary or wasted expense, as described in the PPG. An award for costs is therefore not justified.

Hannah Guest

INSPECTOR