



Costs Decision

Site visit made on 18 June 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Costs application in relation to Appeal Ref: APP/J3720/D/25/3362775 9 Avon Crescent, Stratford-upon-Avon, CV37 7EU

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Fraser Chambers for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the Council's refusal to grant planning permission for the construction of first floor extension above garage, including one front dormer window and one rear dormer window.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 appellant's reasons for the application were made in writing. In summary, the appellant considers the Council's handling of the case to have been unreasonable; it avoided to cooperate in dealing with the application; the 11th hour amendment to the description of the proposal is considered unreasonable; case law supported the grant of planning permission and the Council has withheld full disclosure on how the decision to refuse permission was reached. The Council responded to the application in writing.
4. Whilst the application was not determined to the appellant's liking I find little in the Council's administration and consideration of the application to be unusual let alone unreasonable. On householder application such as this it is common practice in most local planning authorities for a case officer to be appointed, and for a senior officer to be reported to and have the final say. The interaction between the respective officers is not necessarily constant throughout the progress of an application and often, due to other and possibly more pressing commitments, takes place late in the determination period, when a draft case officer report has been prepared. It is sometimes the case that the senior officer takes a different view to the case officer on certain aspects, as could reasonably be expected, and reports need to be redrafted.
5. The Council acknowledges that the request to amend the description of the proposal came late in the day, and probably at the suggestion of the senior officer, but I see nothing untoward or unreasonable in that, particularly since I have seen fit to adopt the amended version. The appellant's agent agreed to the amendment,

and the Council could reasonably be expected to rely on that agreement. The email trail I have seen is consistent with a mutually courteous and respectful relationship between the parties, and I see no obvious lack of cooperation, other than the refusal of permission, as is the Council's right.

6. The Council's case and evidence in support of its decision is found in its officer report, and I find that to be sufficiently detailed to make it clear to me why the application was refused permission. The Council and I. differ as to the degree of weight that a significant material consideration should attract, but the Council's stance on this aspect is not unreasonable, bearing in mind that the weight to be attached is a matter for the decision maker. In arriving at its decision, the Council took account of relevant case law, as would be expected.
7. There is no convincing evidence that I have seen to suggest that the Council may have acted improperly as suggested by the appellant when implying that the officer report and decision letter did not amount to a full disclosure of how the decision was reached.
8. That I disagreed with the Council's view of the proposal does not automatically render the Council's assessment unreasonable. The Council, was entitled to arrive at the judgment reached, particularly having regard to the planning history, notwithstanding that I did not share its view.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and the application is therefore refused.
10. I should add that most of the items of 'wasted or unnecessary' expenditure listed by the appellant would not in my view qualify as appropriate costs capable of being recovered even if an award had been made.

G Powys Jones

INSPECTOR