
Costs Decision

Hearing held on 10 June 2025

Site visit made on 10 June 2025

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Costs application in relation to Appeal Ref: APP/H1840/W/25/3360640

Land on the West Side of Murcot Road, Childswickham, Broadway WR12 7HR

- 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 Wychavon District Council for a partial award of costs against Ms Charmaine Davies.
 - The appeal was against the refusal of planning permission for 6no pitch Gypsy/Traveller site with associated hardstanding, fencing and installation of Package Treatment Plant.
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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 failure of the appellant to co-operate with the Council in regard to agreeing the Statement of Common Ground (SoCG) and suggested conditions would have been frustrating for the Council. However, whilst I appreciate that additional time was spent chasing the appellant for comments, an agreed SoCG was provided prior to the hearing. Furthermore, the Council provided a revised set of suggested conditions on the day prior to the hearing. It is not unusual for discussions in regard to conditions and the SoCG to be lingering in the run up to a hearing. In any event any delays have not, in themselves, wasted expense in the appeal process.
4. Whilst the submission of the adverts advertising the appeal site are material considerations in regard to the personal circumstances of the appellant and relevant to the determination of the appeal, the appellant consistently denied any knowledge of the adverts both before the hearing and during the hearing itself. I have dealt with the weight to be given to these adverts and the associated implications in my decision. The submission of the adverts, whilst they have to be weighed in the planning balance, does not represent unreasonable behaviour and thus have not resulted in any unnecessary expense and time in the appeal process.
5. It was unreasonable for the appellant not to update the personal circumstances statements submitted in support of the appeal prior to the hearing, particularly as at the hearing they advised that there had been a change in one of the intended occupants. However, it is not unusual for the personal circumstances of the

intended occupants of Gypsy and Traveller Sites to change. I recognise that the Council spent time considering the elderly and mobility needs of one of the original occupants of the site during their preparations for the hearing. Nevertheless, the personal circumstances of the appellant would have to have been verbally discussed at the hearing regardless. A change in the future occupants would not have significantly changed the Council's case and the Council had the opportunity to respond to the revised personal circumstances at the hearing itself. Thus, no unnecessary or wasted expense has been encountered by the Council.

6. Whilst the submission of the additional appeal decisions at the hearing¹ is discouraged, they did not introduce a new issue into the appeal proceedings. They simply reiterated the point that the policy has been interpreted different ways by different inspectors. Furthermore, the Council would have already been aware of the appeal decisions as they related to sites in Wychavon, so the decisions were not unfamiliar to the Council. Whilst I appreciate that the written response to these decisions took the Council time, this was not particularly exhaustive, especially given that they were also discussed verbally at the hearing. Therefore, in my mind, the Council's response was not an unnecessary or wasted expense.
7. The printing costs associated with printing the appeal decisions at the hearing are not considered unnecessary given my acceptance of the appeal decisions. There were no costs associated with the re-consultation of the additional appeal decisions as this was carried out by the Planning Inspectorate, and not the Council.
8. I acknowledge that time was spent considering the possibility of a borehole to provide water to the site, which the appellant advised at the hearing was no longer necessary. However, it was not unreasonable behaviour for the appellant to advise that this was no longer required so there was no unnecessary or wasted expense in relation to this matter.
9. Any time spent into the investigations into the land ownership and the associated Land Registry costs are not considered to be as a result of any unreasonable behaviour from the appellant. This is particularly given that the appellant explained at the hearing that the land ownership had recently changed hands, hence why the incorrect certificate had been served.
10. Finally, as I have found that the appellant has not behaved unreasonably and has not caused the Council to incur unnecessary or wasted expense in the appeal process, it is therefore expected the Council should cover their own expenses in regard to the cost's application itself in these circumstances.

Conclusion

11. For the reasons set out above I conclude that, whilst the appellant exhibited unreasonable behaviour in some respects in terms of the PPG, I find that no wasted or unnecessary expense has been incurred by the Council in the appeal process. An award of costs is not warranted.

Laura Cuthbert

INSPECTOR

^{1 1} Appeal Decisions APP/H1840/W/19/3244056 and APP/H1840/C/20/3256744