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## Costs Decision

Site visit made on 27 August 2025

by **Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

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### **Costs application in relation to Appeal Ref: APP/K3415/W/25/3368300 Land North Of Camp Road, Sutton Coldfield, Staffordshire B75 5QZ**

- 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 Marcus Clarke for a full award of costs against Lichfield District Council.
  - The appeal was against the refusal of planning permission for erection of replacement stable block without complying with a condition attached to planning permission Ref 22/00522/FUL.
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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 advises 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. This application claims unreasonable behaviour by the Council in terms of (i) failing to produce evidence to substantiate its refusal reasons, (ii) making vague, generalised or inaccurate assertions, (iii) preventing development that clearly should have been permitted having regard to the development plan and national guidance, and (iv) refusing planning permission on grounds that could have been dealt with by condition.
3. The Council's objections to the appeal proposal are set out on its decision notice. Also, it has provided a copy of the delegated officer report on the planning application leading to the appeal and a letter with comments on the applicant's submissions. These documents constitute evidence from the Council to support its refusal reasons.
4. The Council contends the disputed condition is likely to limit vehicular movements to and from the appeal site as the replacement stables could only be used by occupants of the residence on the opposite side of the road. The Council also suggests the replacement of 2 stables with 3 stables would increase the number of horses kept on the site compared to the existing situation and potentially lead to more people travelling to the site. It also points out that visitors coming from a distance are likely to travel by car. These are fair and rational assertions that are not vague nor clearly inaccurate. In the main, I find the Council's objections and contentions to be specific and based on sound assumptions.
5. The Council has raised a concern over the wording of the proposed condition being ambiguous. This seems to be based upon an incorrect assumption that allowing the stables to be used by people other than occupants of Standerton is bound to be a

commercial activity. This is clearly not the case as the proposed condition explicitly prevents commercial use although it would allow a situation where the stables are sold off to be used privately by people who do not live at Standerton. However, the submissions indicate that the Council would have refused permission on highway safety grounds in any event due to the increase likelihood of people who live away from the area travelling to and from the site by car. Moreover, the costs application fails to show how any unreasonable behaviour as a result of the Council's inaccurate assertions in these specific respects has resulted in unnecessary expense to the applicant.

6. In light of the planning policy context, it is fair for the Council to consider the effects of the appeal proposal on highway safety and whether it would promote the use of sustainable modes of travel. Acceptance that horse stables are likely to be in rural locations and would promote outdoor recreation does not negate the need to consider these matters.
7. My appeal decision explains why I have arrived at a different decision to the Council on the proposed modification of the disputed condition. However, the issue as to whether traffic associated with the development would unacceptably prejudice highway safety is a matter of opinion. The Council's objections refer to development plan policies and national planning policy that require an element of judgment. Therefore, I am satisfied relevant policies do not clearly indicate planning permission should have been granted.
8. The planning application leading to the appeal sets out the wording of a proposed modified condition. There is no indication with the appeal submissions or this costs application of any other suggested wording that the applicant claims the Council should have considered. An additional condition on visibility splays is suggested by the applicant but the Council has explained why it considers this would be unreasonable. I agree with the Council on this point. On this basis, there is little evidence to indicate the Council has refused planning permission on grounds that could have been dealt with by planning condition. Indeed, the original planning permission demonstrates the Council has allowed development it considers would be unacceptable on highway safety grounds but which could be addressed through the imposition of the disputed condition.
9. For the above reasons, I find no unreasonable behaviour by the Council that has led to the applicant incurring unnecessary or wasted expense in the appeal process. Therefore, I conclude an award of costs is not justified.

*Jonathan Edwards*

INSPECTOR