



Costs Decision

Site visit made on 5 August 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Costs application in relation to Appeal Ref: APP/H1840/W/25/3367082 Greenacres Hanbury Road, DROITWICH, WR9 7DX

- 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 and Mrs D Goddard for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for the construction of a live/work unit and erection of garage, to include associated parking.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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's case for substantive costs asserts unreasonable behaviour on the part of the Council in three different areas. These relate primarily to refusal reasons 1 and 2 which are concerned with whether or not the proposal constitutes live/work and whether the site is in a suitable location respectively.
4. The applicant alleges that the Council prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. I found that, although there is a tension between the relevant development plan policies, the proposal does accord with the development plan when read as a whole. Furthermore, although the National Planning Policy Framework no longer makes specific reference to live/work units, it does promote economic growth in rural areas, which I have found this proposal would contribute to.
5. Unreasonable behaviour may also include making vague, generalised or inaccurate assertions about a proposal's impact. The local planning authority determined that the proposed live/work unit was contrary to the development plan policy which sets the requirements for such a use. The Council raised concerns about the appearance and layout of the proposed live/work unit and asserted there was not clear evidence that the live element would be ancillary to the work element. However, these considerations went beyond the scope of the policy, and I found that the proposal does meet the relevant policy requirements.

6. Finally, unreasonable behaviour may include not determining similar cases in a consistent manner. The evidence submitted indicates that the Council has granted planning permission for a development of four live/work units on land adjacent to the appeal site. The Council's case does not offer an explanation as to why the appeal proposal should not be considered in a consistent manner to that on the adjacent land. Whilst each case is determined on its own merits, there is nothing before me to indicate that there should not have been a consistent approach in this case.
7. I therefore find that the Council's refusal reasons 1 and 2 were not well founded as they contain inaccurate assertions about the proposed live/work unit. Furthermore, the Council failed to determine similar cases in a consistent manner and consequently delayed the proposed development which should have been permitted.
8. Accordingly, I am of the view that unreasonable behaviour as described in the PPG has been demonstrated in relation to refusal reasons 1 and 2.
9. Refusal reasons 3 and 4 relate to the impact of the proposal on the character and appearance of the area. In such matters there is an element of judgement involved, and the Council has substantiated these reasons in their appeal evidence. I therefore do not find the Council has behaved unreasonably in relation to refusal reasons 3 and 4.
10. The submission of an appeal would not, therefore, have been avoided in relation to refusal reasons 3 and 4. However, the applicant has incurred unnecessary expense in contesting refusal reasons 1 and 2 and a partial award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wychavon District Council shall pay to Mr and Mrs D Goddard, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting refusal reasons 1 and 2; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A O'Neill

INSPECTOR