



Costs Decision

Site visit made on 29 September 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2025

Costs application in relation to Appeal Ref: APP/T3725/W/25/3369524

43 Stratford Road, Warwick, Warwickshire CV34 6AT

- 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 Warwickshire Partnership for a full award of costs against Warwick District Council.
 - The appeal was against the refusal of planning permission for change of use from car showroom (Sui Generis) to 2no. standalone units (Use Classes E(a) and E(c)(iii)) and associated external works, including minor changes to existing side/ front apertures, installation of ATM machine (front) and functional re-arrangement of existing car parking including provision of EV charging points, PTW and cycle parking and parent/child bay and the closing of part of the existing access to Temple Grove and the removal of the canopy between the two units and alterations to the opening on the front facing fascia to increase the size of the opening.
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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. Unreasonable behaviour may be procedural and/or substantive.
3. In this instance, the applicant alleges that the Council failed to determine the application in a timely manner and refused planning permission for development which should have been permitted. It is stated that the Council failed to substantiate the reason for refusal and relied on objective analysis which failed to have regard for the operational characteristics of the development, the flexibility advocated by the adopted Parking Standards Supplementary Planning Document (SPD) and the lack of objection from the Local Highways Authority. It is stated that this resulted in costs incurred by the applicant in defending the appeal.
4. The planning application which is the subject of the appeal is dated 02 October 2023 was made valid on 19 February 2024 and was refused on 19 June 2025. Whilst it is regrettable that the Council took 16 months to determine the application once it was made valid, it is understood that during that period several amendments and additional documents were received. The Council ultimately refused the application. Therefore, as the appeal was inevitable, the applicant did not incur any wasted expense in defending the appeal as a consequence of this delay. This is not “unreasonable” in the terms of the PPG.

5. The PPG indicates that Local Planning Authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. Whilst I have reached a different view in the accompanying appeal decision, I am satisfied that the Council have presented a suitably substantiated case in support of their decision which clearly sets out the conflict with the Parking Standards SPD and Local Plan Policy TR3 and gave appropriate weight to all material planning considerations.
6. I find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

N Robinson

INSPECTOR