

Ms Fredrica Rose
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Ms Rose

SITE: Log Cabin At Redwood Orchard, St Michaels, Tenbury Wells, Herefordshire, WR15 8TL

DESCRIPTION: Application for a lawful development certificate for the proposed stationing of a caravan compliant shipping container shown on the accompanying plan can be lawfully sited within the land edged red on the accompanying plan for use ancillary to agriculture under the certificate granted on appeal ref APP/W1850/X/22/3295616 (P214586)

APPLICATION NO: 242329 / APP/W1850/X/24/3357500

APPLICATION TYPE: Certificate of Lawfulness (CLOPD)

The Local Planning Authority (LPA) submits this response to the appellant's application for an award of costs in connection with the appeal against refusal of an application for a certificate of lawful development (Section 192 of the Town and Country Planning Act 1990).

Guidance

The Planning Practice Guidance (PPG) states that costs may only be awarded where a party has acted unreasonably, thereby causing another party to incur unnecessary or wasted expense during the appeal process. The costs regime is intended to:

- encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case
- encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay,
- discourage unnecessary appeals by encouraging all parties to consider a revised planning application which meets reasonable local objections.

Unreasonable behaviour, as defined in the PPG, can be procedural (relating to process) or substantive (relating to the merits of the appeal).

Response to the Appellant's Claim

The LPA has carefully considered the appellant's arguments in support of their costs application. However, the LPA maintains that there is no basis for an award of costs on either procedural or substantive grounds. The authority's position has been fully and clearly set out in the appeal documentation, with specific reference to the Officer's Report, which comprehensively addresses the merits of the case.

The appellant asserts that the LPA has misinterpreted the facts and relies on a legal opinion and other case law that they claim support their position. However, the LPA strongly disputes this assertion. The LPA's assessment has been thorough and justified, as evidenced in the submitted appeal statement and supporting documents.

The appellant has not demonstrated that the LPA acted unreasonably or that they incurred unnecessary expense as a direct result of the LPA's actions.

Conclusion

The LPA has provided clear and substantive evidence to support its position. The matters in dispute have been fully considered and justified in the appeal documentation, including the Officer's Report, which sets out the LPA's reasoning in detail.

It is submitted that the appellant has failed to demonstrate that the Authority has acted unreasonably and/or that the appellant has, as a consequence, incurred unnecessary or wasted expenses or costs.

The appellant has not substantiated their claim that the LPA has acted unreasonably or caused them to incur unnecessary or wasted expense. Consequently, the LPA respectfully requests that the Inspector dismisses the application for an award of costs, as no procedural or substantive grounds for an award have been demonstrated.

Yours sincerely

Ollie Jones

**Principal Planning Officer
Development Management (Northern)**