



**South Staffordshire Council**

**APPLICATION FOR FULL AWARD OF COSTS  
OF  
SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

**SECTION 39 APPEAL**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)  
ACT 1990**

**PLANNING INSPECTORATE REFERENCE**

**APP/C3430/F/24/3350323**

**APPEAL BY: MR LEWIS PRICE**

**APPEAL SITE: THE KINGS REPOSE, NEW ROAD, FEATHERSTONE,  
SOUTH STAFFORDSHIRE WV10 7NW**

**LOCAL AUTHORITY REFERENCE: 17/00489/LBLDG**

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## **1. INTRODUCTION**

- 1.1 An application is hereby made for a full award of costs on behalf of the Local Planning Authority (LPA) against the Appellant, in accordance with paragraph 29 of the appeals section of the Planning Practice Guidance (PPG).
- 1.2 This application for costs should be read in conjunction with the Council's Statement of Case, (SoC) and the Appellant's statements. The following conditions, as set out in Paragraph 30 of PPG, have been met:
- The appellant has acted unreasonably.
  - The unreasonable behaviour has caused the LPA to incur unnecessary and wasteful expense in the appeal process.
- 1.3 The unreasonable behaviour in the context of this application is substantive, relating to the issues arising from the merits of the appeal (paragraph 31 PPG).
- 1.4 In accordance with Paragraph 35 of PPG, the LPA's application for an award of costs has been made in a timely manner, submitted alongside its appeal statement.
- 1.5 Paragraph 53 of the PPG states that the right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. This may occur when:

*“the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence”*

## **2. GROUNDS FOR A SUBSTANTIVE AWARD OF COSTS AGAINST THE APPELLANT IN RESPECT OF THE GROUND A APPEAL**

- 2.1 The Appellant makes an appeal under Ground A that the building of not of special architectural or historic interest. The Appellant recognizes that the building is a Grade II listed (list entry 1374114) building circa 1700 but makes absolutely no argument to refute the buildings listing or its value as a building of special architectural and historic value. In fact, the Appellant is completely silent on any logic or reasoning for submitting this appeal under Ground A.
- 2.2 As the Appellant provides no supporting information for submitting this appeal under Ground A, it is without merit and has no reasonable prospect of succeeding. Accordingly, it has been demonstrated by the LPA that the appeal under Ground A constitutes unreasonable behaviour as it has no realistic prospect of success. It has resulted in wasted expense being incurred by the LPA in having to deal with all matters arising from it, including this application for costs.

**3. GROUND FOR A SUBSTANTIVE AWARD OF COSTS AGAINST THE APPELLANT IN RESPECT OF THE GROUND E APPEAL**

- 3.1 The Appellant makes an appeal under Ground E that listed building consent ought to be granted for the retention of the UPVC windows.
- 3.2 The position of the LPA is that the windows are incongruous to the period of the listed building and disrupt the architectural integrity of the property. Their installation affects the character of the Building as a building of special architectural or historic interest and contrary to the relevant provisions of the NPPF and Policies EQ3 and EQ11 of the South Staffordshire Core Strategy adopted 2012, (as outlined in the Notice).
- 3.3 The Appellants only response to this, as detailed at paragraph 7.8 of the Council's statement of case, does not seek to challenge the policy considerations or provide any other information to support the granting of listed building consent. Nor does it provide any expert opinion as to why listed building consent should be granted for the UPVC windows required to be removed by the Notice.
- 3.4 Again, as the Appellant provides no supporting information for submitting this appeal under Ground E, it is without merit and has no reasonable prospect of succeeding. Accordingly, it has been demonstrated by the LPA that the appeal under Ground E constitutes unreasonable behaviour as it has no realistic prospect of success. It has resulted in wasted expense being incurred by the LPA in having to deal with all matters arising from it, including this application for costs.