
Costs Decision

Site visit made on 10 July 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 July 2017

Costs application in relation to Appeal Ref: APP/C4235/W/17/3174138 6 Bowen Close, Bramhall, Stockport SK7 1NJ

- 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 Stewart Bertenshaw on behalf of Langcross for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing structurally unsound detached house and replacement with a pair of semi-detached houses.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes substantive matters such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate a reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. The applicant's costs application relates to each of the substantive matters listed as examples. The application for costs made reference to the Council's approach when determining the planning application following negotiation and submission of amendments to address the concerns expressed by planning officers.
4. The planning application was determined by the Members of the Planning Committee and they are not obliged to follow the recommendation of their officers provided that any contrary decision made is reasonable. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. The reason for refusal sets out what the Council considers to be harmful and refers to conflict with the policies of the Stockport Local Development Framework Core Strategy DPD (CS). Furthermore, the Council's evidence includes a statement of case which seeks to substantiate the reasons for refusal, given that the decision taken at the Council's Planning Committee was different to officer recommendations.

5. It will be seen from my decision that I take a different view to the Council's Planning Committee and find no harm or conflict with policies of the CS. The interpretation of the relevant policies of the CS are supported by guidance in The Design of Residential Development Supplementary Planning Document (SPD), adopted December 2007 relating to the redevelopment of sites of existing dwellings. In that respect, I found that the particular circumstances of the site and its surroundings ensured that no harm to the character and appearance of the area would result and therefore, no conflict with relevant policies of the CS would occur. However, such a conclusion reflects a matter of judgement on a subjective issue. Despite the outcome of the appeal, I do not consider that the Members of the Planning Committee behaved unreasonably in reaching a different view to my own, even though contrary to the officer's report and recommendation.
6. As the Council have provided a statement which supports the reason for refusal and that the judgements made reflected objective analysis on subjective issues, I do not consider that its behaviour was unreasonable or that an appeal was unnecessary in this case. In that respect, it is reasonable that the individual circumstances of the proposal necessitated assessment on its own merits given the subjectivity of the issue in dispute and the judgements involved. The Council, therefore, did not unreasonably prevent or delay development at the time of its decision. The applicant, therefore, did not suffer wasted expense in pursuing the appeal, irrespective of its outcome.

Conclusion

7. I conclude that, on the basis of the evidence before me, it has not been demonstrated that the Council behaved unreasonably or caused unnecessary or wasted expense in so far as an award of costs could be justified. I, therefore, determine that the costs application should fail and no award is made.

Gareth Wildgoose

INSPECTOR