
Costs Decision

Hearing Held on 12 & 13 July 2017

Site visit made on 11 & 13 July 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 10th August 2017

Costs application in relation to Appeal Ref: APP/Y3425/W/16/3164139 St John's Church, Granville Terrace, Stone, Staffordshire ST15 8DF

- 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 BHG Stone Ltd for a full award of costs against Stafford Borough Council.
 - The hearing was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for conversion of the church and erection of a rear two storey extension (following demolition of existing single storey extension) to provide 5 no residential units, and the erection of a 2½ storey building fronting The Avenue to provide 4 no apartments on the former church car park.
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Costs application in relation to Appeal Ref: APP/Y3425/Y/16/3164144 St John's Church, Granville Terrace, Stone, Staffordshire ST15 8DF

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by BHG Stone Ltd for a full award of costs against Stafford Borough Council.
 - The hearing was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for listed building consent for conversion of the church and erection of a rear two storey extension (following demolition of existing single storey extension) to provide 5 no residential units, and the erection of a 2½ storey building fronting The Avenue to provide 4 no apartments on the former church car park.
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Decision

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

The submissions for BHG Stone Ltd

2. The appellant argues that the Council has been inconsistent in that it spent months renegotiating the previous refused scheme only to be told it required the site to be marketed again and to go back to first principles, and that a change of planning personnel is no excuse for this. It considers all the matters set out in the Council's putative refusal reasons have been fully addressed in the appeal scheme. The Council has also been unreasonable in not actually determining the application.

The response by Stafford Borough Council

3. The Council twice met the applicant and agent following refusal of the 2015 applications and although it offered design advice also made it clear that the scheme as a whole was unacceptable. The change of personnel is irrelevant because the putative refusal reasons are clear, being essentially the same as those of the 2015 applications as reported to the 28 October 2016 Planning Committee meeting. There were extensive discussions about the second set of applications, the subject of the appeals, and an offer to discuss it further following the Planning Committee's resolution to defer them on 28 October 2016. The Council has fully justified all its reasons at appeal.

Reasons

4. I have explained in my appeal decision the Council's remaining concerns on each of the grounds of refusal. Although, in terms of the planning balance, I have decided to allow the appeals, the Council has clearly substantiated its case at appeal and justified its refusal reasons both before and during the Hearing. It also highlighted its ongoing concerns to the appeal scheme at meetings before the applications were recommended for refusal.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nick Fagan

INSPECTOR