

Costs Decision

Site visit made on 27 November 2017

by V Lucas LLB MCD MRTPI

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

Decision date: 22nd December 2017

Costs application in relation to Appeal Ref: APP/C4235/17/W/3179489 Land North East of Foden Lane, Woodford, Stockport, SK7 1PG

- 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 T Mohammed for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for proposed 2 x 5 bedroom detached houses with 2 x parking bays for each house.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. I shall therefore consider whether that has occurred in this case.
3. The original planning application to which the appeal relates was recommended for approval by officers and Council members resolved to refuse permission for the scheme. However, members are not bound to accept the advice of their officers.
4. Notwithstanding discussions that may have taken place during the Committee meeting, the Council's decision notice identifies clear reasons for refusal and the relevant planning policies are listed. These reasons were also expanded upon in the Council's appeal statement which included a detailed discussion of both the relevant Green Belt policies, consideration of the applicant's 'fall-back' position and the housing land supply position. In the absence of a specific definition for the term 'infill' in the relevant local and national policies it was reasonable of Council to members to exercise their judgment in coming to a view on the proposal. This is necessarily a subjective one rather than a straightforward technical assessment.
5. I note that technical information was submitted by the applicant in the form of a transport assessment. However, members took a different view to the Council officer when considering the weight to attach to the 'fall-back' position. This is also essentially a matter of planning judgment and

members chose to rely on their local knowledge of the area in coming to a view on the weight to attach to the 'fall-back' position when considering the issue of highway safety.

6. Accordingly, unreasonable behaviour leading to wasted expense has not been demonstrated. For the reasons given above, I refuse the application for an award of costs.

V Lucas

Inspector