The Planning Inspectorate

Costs Decision

Site visit made on 28 May 2019

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Costs application in relation to Appeal Ref: APP/H4505/W/18/3219406
Beda Hills, Woodside Walk, Rowlands Gill

- 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 Gateshead Council for a full award of costs against Miss E Raymond.
- The appeal was against the refusal of planning permission for the erection of a wood framed 4 bedroom house.

Decision

1. The application for a full award of costs is allowed.

Reasons

2. The Planning Practice Guidance (the PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The Council considers that the applicant acted unreasonably in the submission of the appeal, on the grounds that no substantive evidence was submitted to the appeal to address the Council's reasons for refusal.

4. The evidence before me indicates that the applicant was made fully aware of the concerns of the Council in respect of both the appeal scheme and an earlier outline application at the same site[1]. The significant concerns in respect of the sensitive location were highlighted with reference to national and local planning policy and the Council was clear that an application in this location would not be supported. Nevertheless, the applicant was advised of the need for further information to be submitted should she wish to proceed with the applications against the advice of the Council.

5. While the earlier application was withdrawn, the applicant proceeded with the appeal scheme without addressing the issues raised by the Council. However, even if the applicant had been advised not to go to the expense of submitting additional information prior to the grant of outline permission, the need to submit further information in support of the appeal should have been apparent from the guidance published by the Government. In this respect, the PPG advises applicants to give consideration to the merits of the case, and whether

[1] Email correspondence from the Council in respect of applications ref DC/17/00217/OUT and DC/18/00727/OUT

there are strong grounds to contest the reasons for refusal of planning permission before submitting an appeal. Furthermore, parties involved in the appeal process are expected to present full and detailed evidence to support their case, and to respond to the reasons for refusal set out in the Council's decision notice.

6. In this case, the applicant proceeded with the appeal without addressing the specific requirements of relevant planning policy and without submitting any substantive evidence to refute the Council's reasons for refusal. As a result, the Council has been put to the expense of defending their position when the appeal effectively had no hope of succeeding.

Conclusion

7. I therefore find that unreasonable behaviour by the applicant, resulting in unnecessary or wasted expense as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and other enabling powers in that behalf, IT IS HEREBY ORDERED that Miss E Raymond shall pay to Gateshead Council, the costs of the appeal proceedings described in the heading of this decision.

9. The Council is now invited to submit to Miss E Raymond, to whom a copy of this decision has been sent, details of those costs with a view to reaching an agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Sarah Manchester

INSPECTOR