The Planning Inspectorate

Costs Decision

Site visit made on 17 June 2019

by Alexander Walker MPlan MRTPI

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

Decision date: 02 August 2019

Costs application in relation to Appeal Ref: APP/P3420/W/19/3225154
Croft Farm, Stone Road, Hill Chorlton, Newcastle Under Lyme ST5 5DR

- 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 Andrew and Stuart Hodgkinson on behalf of David James Developments Ltd for a partial award of costs against Newcastle-Under-Lyme Borough Council.
- The appeal was against the refusal of planning permission for the demolition of existing buildings, 1 replacement farmhouse, the erection of 11 bungalows, access, parking and amenity space. A total of 12 dwellings is proposed.

Decision

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

Reasons

2. Planning Policy Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

3. The viability appraisal and the District Valuer's appraisal were requested by the Council during their consideration of the planning application as the applicants contended that it was not viable to provide affordable housing. The results of the independent appraisal confirmed this.

4. However, the District Valuer's appraisal confirmed that the proposal could provide 1 affordable dwelling on site and make a contribution of £12,000 towards off site provision. It was on the basis that one of the options within the s106 planning obligation was formed, and subsequently, the option that I considered to be most appropriate. In entering the s106 agreement, the applicants accepted this. Therefore, I do not consider that the appraisals did not serve a purpose. In any event, these costs were not incurred during the appeal process. Had the appraisals not been undertaken, it is reasonable to conclude that the Council would have still refused the planning application and the applicants would have still appealed the decision.

5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

Alexander Walker INSPECTOR