The Planning Inspectorate

Costs Decision

Site visit made on 22 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Costs application in relation to Appeal Ref: APP/H0738/W/19/3222759
Elton Manor, Darlington Road, Elton TS21 1AG

- 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 Mark Page for a full award of costs against Stockton-on-Tees Borough Council.
- The appeal was against the refusal of outline planning permission with all matters reserved apart from access for up to four dwellings.

Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal; and 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.

4. The appellant states that there was unreasonable behaviour from the Council as pre-application discussion were undertaken without any intention of supporting an application; false hope was given; time wasting and delaying of decision; and commissioning of additional work at the request of Council Officers.

5. From the evidence submitted, particularly from the information in appendix 1 of the appellants statement, the Council had entered into pre-application discussions with the appellant. The Council are not bound by the advice they offer during pre-application discussions when they reach a decision on a planning application which has been subject to statutory consultation. In fact, there is no evidence before me to suggest that the Council committed to supporting a planning application. An email dated 3 August 2018 from the

Planning Officer confirms that there were concerns relating to sustainability/principle of development and character and landscape matters.

6. The appellant has indicated that the Council have deliberately delayed issuing a decision in order for the Stockton-on-Tees Borough Council Local Plan 2019 (LP) to gain further weight, including the Council's position with regards to five-year housing land supply. I accept that the delay in issuing a decision would be frustrating for the appellant however, it appears that the extensions of time to the application had been agreed on several occasions. The reasoning for these extensions of time are mostly attributed to the Council been overworked. There is no compelling evidence before me to suggest that the Council have deliberately delayed the issuing of a decision.

7. There appears to have been a succession of emails and meetings between Council Officers and the appellant and the agent. From the emails submitted, it seems that a lot of these meetings were at the request of the appellant. The evidence suggests that Council Officers were helpful in their approach by attending the meetings and offering advice.

8. The appellant contends that the Council had requested the submission of a Transport Statement whilst knowing that the application was to be strongly resisted. The Council state that the choice to commission additional work lies with the appellant and agent. There is no clear evidence to suggest that the Council had made a decision on the application prior to the submission of the Transport Statement.

9. It has been claimed that Council Officers had not read key documents submitted with the application. Whilst there is an indication that some documents may not have been read initially by the Council's Landscape Officer, the Council do insist that all information submitted with the application were fully considered prior to a decision being made. There is no evidence before me to suggest that the Council have not fully considered the documents submitted with the application.

10. The appellant has referred to platitudes of "a close decision". There is no indication in any of the evidence submitted that the Council considered the planning application to be a close decision. It may have been the case that this was implied during meetings. In any case, the Council's decision notice is clear and precise in its reasons for refusal and have regard to the development plan and national policy.

11. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Chris Baxter

INSPECTOR