
Costs Decision

Site visit made on 4 October 2019

by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

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

Decision date: 22 October 2019

Costs application in relation to Appeal Ref: APP/B3438/W/19/3232103 Highfield, Highfield, Leek, Staffordshire, ST13 8SG

- 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 Staffordshire Moorlands District Council for an award of costs against Mr D Allen.
 - The appeal was against the refusal of outline planning permission for the erection of dwellings.
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Decision

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

Reasons

2. Following the recent dismissal of the previous appeal¹ the Council argues that the current appeal had no reasonable prospect of succeeding. The PPG advises that appellants run the risk of an award of costs where an appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same site where an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period.
3. In this case the site is the same and the circumstances, insofar as they relate to planning policy and the site's surroundings have not changed. However, the proposed development is materially different in two ways. It proposes two rather than 8 houses and amended access arrangements. Consequently, the impact of the proposed development on the character and appearance of the area and highway safety are different.
4. Although I found against the appellant on both grounds, given the differences between the two schemes, I do not consider that pursuing the appeal constitutes unreasonable behaviour. It follows then that nor did the appeal put the Council to unnecessary expense and I conclude, therefore, that an award of costs is not justified.

Anthony Thickett

Inspector

¹ APP/B3438/W/19/3219872; dismissed 26 June 2019