



Costs Decision

Site visit made on 19 November 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Costs application in relation to Appeal Ref: APP/P3420/W/19/3235664 The Bennett Arms, London Road, Chesterton, Newcastle-under-Lyme ST5 7PS

- 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 Green for a partial award of costs against Newcastle-Under-Lyme Borough Council.
 - The appeal was against the refusal of planning permission for 14 two and three storey terraced houses in three blocks with associated landscape works and parking for 22 vehicles.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The appellant considers that the approach of the Council has been unreasonable in that the issues relating to design were not put forward by the Council during negotiation involved with the application process, but were added by Members of the Committee during the presentation of the application to Committee, which were contrary to the recommendations of their Officers.
5. In this case I have noted the recommendations of the Council's Officers with respect to the design aspects of the proposals that were set out in the first reason for refusal. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. I find that the Council reached a rounded view in taking the decision and considered all relevant matters. The first reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states which policies of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy that the proposal would be in conflict with. This reason for refusal has been adequately substantiated by the Council in its Appeal Statement.

7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR