
Costs Decision

Site visit made on 10 January 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Costs application in relation to Appeal Ref: APP/B3410/W/19/3236123 Blythe Bridge Mill, The Blythe, Stafford ST18 0LT

- 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 Mrs Herbert for a full award of costs against East Staffordshire Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of an agricultural outbuilding to a dwelling under Class Q of the General Permitted Development Order.
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Decision

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

Reasons

2. 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. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full, and indeed, a partial award of costs.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal, and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis, and/or refuses planning permission on a ground capable of being dealt with by conditions.
4. The appellant submits that the Council have behaved unreasonable by reaching its conclusion to refuse the application despite being provided to other appeal decisions, which the appellant considers to be directly comparable to the appeal scheme. The appellant considers these to be material considerations that have not been referred to in the Council's delegated report.
5. The Council have provided a copy of the e-mail correspondence between the Council officer and the appellant's agent dated 15 May 2019. In the correspondence the officer acknowledges the receipt of the attached appeal decisions, states that they have also found a number of decisions which have been dismissed and that it would be beneficial to submit a structural survey. Based on the content of this e-mail I am satisfied that the submitted appeal decisions were considered by the Council in coming to their decision to refuse the application, and the Council has not acted unreasonably in this regard.

6. I note the Council's delegated report appears to refer to an older version of paragraph 105 of the PPG, with particular regard to structural elements. However, the Council's decision notice is clear and precise, and identifies the main issue as the level of construction works being so extensive as to comprise of rebuilding, this is consistent with the current approach of the PPG, insofar as it relates to Class Q permitted development, the Council has not acted unreasonable in this regard.
7. The refusal of prior approval therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG, and the appellant has not been faced with the unnecessary expense of lodging the appeal.

R Cooper

INSPECTOR