



Costs Decision

Site visit made on 1 June 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Costs application in relation to Appeal Ref: APP/J4525/D/19/3241556 Pond Cottage, West Cherry Knowle Farm, off Burdon Road, Ryhope, City of Sunderland SR2 0SS

- 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 Philip Wright for a full award of costs against Sunderland City Council.
 - The appeal was against the refusal of planning permission for erection of two storey extension, single storey side extensions and new external porch.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. The appellant claims that the Council has acted unreasonably on a number of grounds.
4. He considers that the proposed development scheme is acceptable. However, as I have concluded that the proposal would lead to unacceptable harm to the Green Belt and to character and appearance I cannot agree that the Council has behaved unreasonably in this regard.
5. I also consider that the Council has been able to substantiate its reasons for refusal with regards to both the National Planning Policy Framework and the Planning Practice Guidance, as well as development plan policy. As I have dismissed the appeal it is clear that there are sound reasons for withholding planning permission and I consider that the Council's decision is therefore reasonable and balanced.
6. It is clear from the Council Officer's report that the matter of the fallback scheme arising from a Lawful Development Certificate was appropriately considered in comparison to the appeal proposal. In any event I have concluded that the fallback scheme does not justify the proposal, even allowing for the weight to be given to this in accordance with *Zurich*¹. Whilst the

¹ Zurich Assurance Ltd (t/a Threadneedle Property Investments), R (on the application of) v North Lincolnshire Council & Anor [2012] EWHC 3708 (Admin) (20 December 2012)

fallback scheme may be less wide than the appeal proposal, there are other harmful elements of the appeal scheme which justify the Council's decision.

7. 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, and having regard to all other matters raised, an award for costs is not therefore justified.

David Cross

INSPECTOR