The Planning Inspectorate

Costs Decision

Hearing Held on 10 December 2019 and 18 February 2020

Site visit made on 18 February 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Costs application in relation to Appeal Ref: APP/Y3425/W/19/3227057
Land off A34, Stone ST15 0PX

- 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 Stafford Borough Council for a full award of costs against EG Group and Greene King.
- The appeal was against the refusal of planning permission for demolition of existing buildings and erection of petrol filling station, canopy and ancillary retail sales and the erection of a drive through restaurant with ancillary parking and landscaping and access off the A34.

Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 Council's application for costs is based on the alleged unreasonable behaviour of the applicants and wasted expense, for the reasons considered below.

4. Prior to the Hearing, the appellants submitted as late evidence, Technical Note 1 (TN1). This was in direct response to the Road Safety Audit Stage 1 (RSA) submitted as part of the Council's Statement of Case. I accepted TN1 for discussion at the Hearing, and the main parties were advised in advance this would happen. A copy of TN1 was also forwarded to the Council.

5. At the Hearing, the Council requested an adjournment, which was primarily based on the Council wanting the authors of the RSA to review TN1. Following discussion with the main parties, I agreed to an adjournment. Whilst failure to adhere to deadlines can be a procedural ground of appeal, in this case and notwithstanding that the RSA was submitted within the appeal timescales, I agreed to accepting TN1 as late evidence, on the basis that it provided me and the Council with a written summary of some of the matters which the appellant was proposing to discuss at the Hearing.

6. I am aware that the Council requested the appellants to undertake a RSA. However, on the available information I cannot be certain that the appellants

had agreed to this. Consequently, the appellants' decision not to undertake a RSA, along with the professional opinions expressed in TN1 on the RSA commissioned by the Council are not examples of unreasonable behaviour. Although the Council commissioned a RSA it did so at its own discretion and expense.

7. Given all of the foregoing, I find that the appellants did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal

INSPECTOR