
Costs Decision

Site visit made on 19 June 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2020

Costs application in relation to Appeal Ref: APP/M3455/3245116
244 Biddulph Road, Chell, Stoke-on-Trent, City of Stoke-on-Trent ST6 6TP

- 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 A Ali for a full award of costs against the City of Stoke-on-Trent Council.
 - The appeal was against the refusal of planning permission for change of use to car wash and valeting facility, erection of structures and enclosures.
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Decision

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

Procedural Matter

2. The appellant's application for an award of costs does not specifically state whether the application is for a full or partial award. However, I consider that it is evident from the information provided that the appellant seeks a full award. I have made my decision on this basis.

Reasons

3. Irrespective of the outcome of an appeal, the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.¹
4. In summary, the applicant contends that the Council's behaviour "forced" them to make an appeal. Thus, it is evident that the Council's Case Officer initially recommended approval of the proposal. However, the decision of refusal was issued without the Council having communicated such change to the appellant. The applicant is of the opinion that if the Council had communicated with them before the decision was taken, proposals to overcome the Council's concerns (as outlined on the amended plan submitted with the appeal Ref EPP JPHCW Rev 01) could have been provided, and as such an appeal could have been avoided.
5. As noted above, costs may be awarded irrespective of the outcome of an appeal. However, I concluded that the appeal should be dismissed and although I did not base my decision on the amended plan, as I consider this would have prejudiced 3rd parties, even if I had accepted the amended plan my

¹ Paragraph 030 Reference ID: 16-030-20140306, revision date 06 03 2014 – National Planning Practice Guidance.

decision would still have been the same. Hence, the harm to the character and appearance of the area I identified would not have been overcome by the proposals on the amended plan.

6. I acknowledge that communication between the Council and the appellant regarding the change in the decision from the recommendation should have been better. However, taking account of all matters, I consider pursuing this matter through the Council's complaints procedure is the appropriate route to address the complaint.
7. Bearing the above points in mind, I conclude that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense of the appellant in dealing with the appeal, as described in the PPG, has not been demonstrated and therefore an award of costs is not justified.

J Williamson
INSPECTOR