
Costs Decision

Site visit made on 21 July 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Costs application in relation to Appeal Ref: APP/M4510/W/20/3248067 69 Rear of Alwinton Terrace, Gosforth, Newcastle upon Tyne NE3 1UD

- 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 ATS Properties Limited for a full award of costs against Newcastle-upon-Tyne City Council.
 - The appeal was against the refusal of planning permission for the change of use from garage (class B2) to 3 x 2 bedroom flats (class C3) including alterations to the roof.
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Decision

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

Reasons

2. Parties to a planning appeal are normally expected to bear their own costs, but costs can be awarded where the unreasonable behaviour of a party has caused another party to incur unnecessary or wasted expense. Briefly, the appellant alleges unreasonable behaviour by the Council in terms of how it determined the application in particular in respect of discussions leading to the refusal of the application and the reasons for refusal.
3. While discussions and amendments to submitted plans can in some instances resolve outstanding concerns, there is an obligation placed on the Council to determine applications in a timely manner. The potential for discussions to be held and amendments made outside of the application process, before a new application is made, remains open to applicants.
4. Therefore, while I sympathise with the application who clearly sought to engage with the Council in an effort to address concerns raised, the Officer's report nonetheless articulates and justifies the reason for refusal based on the development plan and material considerations.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and therefore an award of costs is not justified.

Mark Brooker

INSPECTOR