



Costs Decision

Site visit made on 3 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Costs application in relation to Appeal Ref: APP/B3410/W/20/3257656 Ardsley House, Allens Lane, Marchington, ST14 8LA

- 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 D Dolman for an award of costs against East Staffordshire Borough Council.
 - The appeal was against the refusal of planning permission for a detached garage.
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Decision

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

Reasons

2. 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 submits that the Council has acted unreasonably in that it failed to enter into negotiations to amend the scheme in order to achieve an acceptable outcome. It is contended that had it done so, then the appeal could have been avoided. Moreover, it is asserted that the Council failed to properly consider the merits of the scheme and objected to it based on a generalised resistance to change in this location.
4. With regard to the Council's purported failure to negotiate, I note that it informed the appellant of its concerns on 26 May 2020 and advised that the application was likely to be refused. However, the appellant did not offer to amend the scheme at that stage, and instead the Council's comments regarding the development were strongly disputed. A requested that the application proceed to a decision was also made. Whilst the appellant has listed a number of alterations that the Council could have sought, it is unclear whether these would have resulted in a scheme that was mutually acceptable. Moreover, no drawings have been submitted to this appeal illustrating an alternative layout or design. Based on the information before me, it is therefore unclear whether any further negotiations at application stage would have avoided the appeal process altogether.
5. In terms of the Council's assessment of the proposal, I have a reasoned case before me in support of its position. In this regard, the Council has outlined a number of concerns regarding the development, including in relation to its height, scale, mass, and visual intrusion. It therefore did not object to the

development based solely on a generalised resistance to change. There is inevitably an element of professional judgement in assessing matters such as character and appearance, and the Council did not act unreasonably in reaching this view.

6. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR