
Costs Decision

Hearing Held on 3 November 2020

Site visits made on 28 October 2020 and 10 November 2020

by David Richards BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2021

Costs application in relation to Appeal Ref: APP/Y3425/W/18/3202676 Land off Saddler Avenue, Aston Lodge Park, Stone Staffordshire

- 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 partial award of costs against Fradley Estates.
 - The hearing was in connection with an appeal against the refusal of outline planning permission for up to 20 affordable dwellings.
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Decision

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

The submissions for Stafford Borough Council

2. The hearing concerned the redetermination of the appeal following the quashing of the original decision dated 17 December 2018 by the High Court. That decision was the subject of an Inquiry held on 16 & 17 October 2018.
3. The Applicant has wasted time at the hearing by making an improper and scurrilous costs application. Before making an application a party should think carefully about what the Planning Policy Guidance says and the rules of common law. Mr Sharpe's allegation that the Council has acted in bad faith cannot be supported having regard to paragraphs 8.2, 8.3 and 11.6 of the statement of common ground (SoCG), from which the Council has not resiled. There is no basis for Mr Sharpe's costs application, which has wasted time at the hearing.

The response by Fradley Estates

4. The Appellant considers the claim to be fully justified for the reasons set out in the claim. The Council is wrong to argue that the claim is frivolous. The Council would have been aware that the Appellant would claim costs, and no time has been wasted at the hearing. The Council has not been put to any wasted or unnecessary expense.

Reasons

5. Whilst I have not upheld the Appellant's costs claim, the Appellant was entitled to make a costs claim, and I do not find that unreasonable behaviour has been demonstrated in this instance. The claim and response was made within the time allocated for the hearing and I do not consider that the Council was put to

any unnecessary or wasted expense in responding to it. Accordingly the application for a partial award of costs fails.

David Richards

INSPECTOR