
Costs Decision

Site visit made on 8 February 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2021

Costs application in relation to Appeal Ref: APP/B3438/W/20/3262622 Land opposite Station House, Station Lane, Rushton Spencer SK11 0QU

- 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 N Coates for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal of planning permission for the installation of a Shepherd's Hut and associated landscaping works.
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Decision

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

Reasons

2. The *Planning Practice Guide* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals, and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
3. The application for an award of costs is made on substantive grounds. It is argued that the Council have prevented and delayed development which should clearly be permitted having regard to the development plan, national policy and any other material considerations. The applicant also claims that the Council has made generalised assertions about the proposal's impact, which are unsupported by objective analysis. The PPG indicates that, in such circumstances, costs may be awarded against an authority.
4. The Council have not responded to the cost claim, but I have considered the Council's appeal statement and the delegated report in dealing with the claim.
5. The application had 2 reasons for refusal. The first of these relates to being inappropriate development in the Green Belt and the second to the impact the proposal would have on heritage assets. The reasons for refusal clearly set out the development plan policies to which the Council consider the scheme would be contrary. They also highlight that it would conflict with the *National Planning Policy Framework* (the Framework).
6. The Council's response to the appeal largely relies on the Officer's delegated report as they consider that this adequately sets out the reasons why the application was refused.

7. In terms of the Green Belt, the Officer's report highlights that due to the bulk and mass of the proposed shepherd's hut the scheme would not preserve the openness of the Green Belt, and so would be inappropriate development. The report then considers other issues, such as the tourism benefits, and assesses whether they would outweigh the harm to the Green Belt. It concludes that they would not and so it would be contrary to Green Belt policies in both the development plan and the Framework. This is a conclusion which I have agreed with in my decision. Whilst the applicant may not agree with the Council's reasoning or the weight it gives to various matters, this does not mean that the Council have acted unreasonably.
8. In terms of the impact on heritage assets, the Officer's report sets out the reasoning for why it considers the proposal would be detrimental to the various nearby assets. For example, it considers that the scheme would harm the understanding of the Listed Buildings and that the Shepherd's Hut would be an incongruous feature that would detract from the historic railway environment. As such, the Council concluded it would be contrary to both local and national policies. Again, whilst the applicant may not agree with these conclusions, it does not mean the Council have acted unreasonably.
9. As set out in my decision, I have found the proposal would preserve the setting of the heritage assets. However, I recognise that in terms of such matters, consideration of planning applications and appeals can involve matters that are often finely balanced and are primarily a matter of judgement.
10. In regard to both the Green Belt and heritage issues the Council's reasoning given in the Officer's report is specific to the site and not vague or generalised assertions.
11. As such, I am satisfied that the Council has met its obligation to give proper consideration to the planning application, and that it has not prevented a development which should clearly have been permitted having regard to the development plan, national policy and any other material considerations.
12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified.

Alison Partington

INSPECTOR