



Costs Decision

Site visit made on 6 July 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Costs application in relation to Appeal Ref: APP/B3438/W/21/3273604 11 Ash Bank Road, Werrington ST2 9DS

- 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 Sam Raizada for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against a failure to give notice within the prescribed period of a decision on an application for planning permission for 'single storey side extension to adjoin garage to rear'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, in an appeal against non-determination where there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether. Examples of unreasonable behaviour also include where development has been prevented or delayed which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The costs application is made primarily on the basis that the Council failed to determine the planning application. The evidence before me indicates that there was a delay in the Council being able to obtain safe external access to the rear of the site. The reasons given by the Council for seeking external access in light of the Covid-19 pandemic are reasonable.
4. Following the site visit the Council promptly raised its concerns in respect of the size of the proposed extensions relative to the green belt location and the potential impact on neighbouring living conditions. It is unfortunate that the Council did not respond to the applicant's subsequent response or proceed towards a decision. Nevertheless, the Council's appeal case includes the concerns raised during the application process. I too have identified conflict with the development plan and national policy. The appellant has not produced any substantive counter evidence to suggest the Council's Green Belt calculations are inaccurate nor that there are prior approval permissions in place which would allow for a similar level of development. Therefore, even if

the Council had proceeded to make its decision, it is unlikely that an appeal could have been avoided altogether.

5. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR