



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: 2 August 2021

Costs application in relation to Appeal Ref: APP/B3438/W/21/3272531 19 Congleton Road, Mow Cop ST7 3PL

- 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 David Mellor for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against a refusal of prior approval for a farm machinery/implement storage unit.
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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. Examples of unreasonable behaviour include where development has been prevented or delayed which should clearly have been permitted.
3. The costs application is made on the basis that the Council's decision to refuse the application was unjust. The appellant has provided a copy of a 'Fee Proposal' although these costs relate to householder development and not the appeal proposal. In any case, I have also found that the evidence presented does not adequately demonstrate that the proposal would be permitted development. On this basis, the Council did not prevent development which should clearly have been permitted.
4. 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