
Costs Decision

Site visit made on 20 July 2021

by Mark Caine BSc (Hons) MTPL MRTPI LASR

an Inspector appointed by the Secretary of State

Decision date: 3 September 2021

Costs application in relation to Appeal Ref: APP/C4235/W/21/3271960 39 Moss Lane, Bramhall, Stockport SK7 1EQ

- 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 Darren Atkins for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a development proposed which is described as 'Proposed erection of 2no. (a pair) of semi-detached dwellings including demolition of existing conservatory to no.39 Moss Lane together with new vehicular access and new dropped kerbs to Moss Lane.'
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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.
3. The applicant's submission relies to a substantial extent on the fact that the Committee of the Council determining the planning application failed to accept the recommendations of planning officers to grant planning permission. It is also stated that the Council failed to determine the application in a consistent manner as other similar cases, and that it failed to engage with the applicant in agreeing areas in the drafted Statement of Common Ground (SoCG).
4. Members of a Planning Committee are not bound to accept the recommendations of their officers, but the PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal, and if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. It is clear from the planning officer's committee report that members of the planning committee would have had regard to the Framework's presumption in favour of sustainable development, the appeal decision on land adjacent to Midland Road and the lack of a 5 year housing land supply in considering the proposal.
6. Whilst the Council reached a different conclusion to the recommendation of its officers, the consideration of planning applications and appeals often involve

matters of judgement that are finely balanced. It will be seen from my decision that I agree with Council Members and that there were sufficient grounds for refusing planning permission for reasons related to the amount of private amenity space and the living conditions of future occupiers. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.

7. Although it is argued that the Council in refusing the application has not dealt with similar cases in a consistent manner, given the lack of information regarding these schemes I was unable to conclude that they were directly comparable to the appeal proposal in my decision report. It therefore does not follow that the Council has behaved inconsistently or unreasonably in this regard.
8. I appreciate that the Council failed to agree a prepared SoCG with the appellant. However, Annexe R of the Procedural Guide: Planning appeals – England 2021 states that a SoCG must be provided for hearings and inquiries. As it is not necessary for written representation appeals I am unable to conclude that the Council has acted unreasonably in this respect.
9. I also recognise that the applicants have incurred the costs of professional services for the preparation of the written planning appeal. However, for the reasons provided above, I do not consider that the expense for this service is a result of unreasonable behaviour by the Council.
10. As such I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine

INSPECTOR