
Costs Decision

Site visit made on 2 September 2021

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 29 October 2021

Costs application in relation to Appeal Ref: APP/H0738/W/21/3278158 land to the north of Holmewood, Aislaby Road, Aislaby, Eaglescliffe, Stockton-on-Tees

- 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 Chris Richardson for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for development initially described as *'the erection of 16 no holiday lodges with associated parking & pathways'*.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only 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 application for costs should clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. It also states that parties in appeals normally meet their own expenses.
3. The application for an award of costs is made on substantive grounds. The Guidance advises that such grounds may include situations where a local planning authority prevents or delays development which should clearly be permitted having regard to the development plan, national policy and other considerations. A reliance on vague and generalised assertions regarding a proposal's impact which are unsupported by objective analysis are also cited by the Guidance as an example of substantive grounds. It is on these grounds that the appellant's application is made.
4. Whilst the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. I do not agree with the Council's assertion that the appeal site lies in an inherently unsustainable location, as demonstrated by Local Plan policy SD4 (17) and (18) which recognise circumstances in which development within the countryside will be supported.
5. As my decision demonstrates, I am satisfied that the nature of the proposal is such that it would be unsuited to an urban location. In terms of the provision of low-key and small-scale holiday accommodation, the siting of the lodges

within the appeal site, close to Aislaby and with close access to the local rights of way network, would provide rural holiday accommodation in a pleasant rural setting which could be accessed by, or provide recreational routes for, a range of means of transport including by bicycle and on foot.

6. Although not directly and specifically substantiated in terms of the direct economic impact of the proposal, the provision of additional overnight accommodation to develop the local tourist economy beyond day-visitors would inevitably come with a degree of economic benefit. However, although the extent of that benefit has not been quantified, I do not consider its absence to be fatal to the planning merits of the proposal. Rather, the absence of substantiated and quantified evidence in this respect renders the exercise of judgement by the Council valid. Whilst I do not agree with the Council's conclusions, I am satisfied that the Council did not unreasonably reach their decision or unreasonably exercise their judgement in doing so. I am also content that the Council's case was adequately set out within the Statement of Case and that the reasons for refusal in respect of location and character and appearance were justified, if not ones that I ultimately agree with.
7. With regard to the effect of the proposal on the amenities of nearby residents, the appellant submitted a detailed Noise Impact Assessment (NIA) relating to plant and equipment. It did not seek to address noise arising from the occupation of the holiday lodges and activities carried on by guests during their stay. As such, I am satisfied that in exercising their judgement in this respect the Council did not act unreasonably. To this end, suitably worded planning conditions would address and mitigate these additional impacts and, whilst without an evidential basis, it was not unreasonable for the Council to exercise its judgement in this respect.

Conclusion

8. For the reasons I have set out, the Council did not act unreasonably in reaching their decision in respect of the appeal proposal. As such, it cannot be the case that the appellant has incurred unnecessary expense and the application for an award of costs therefore fails.

G Robbie

INSPECTOR