



Costs Decision

Site visit made on 2 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Costs application in relation to Appeal Ref: APP/X1355/W/21/3275892 Land adjacent Burnside, Dalton le Dale, Seaham, County Durham SR7 8QT

- 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 Richard Collings for a full award of costs against Durham County Council.
 - The appeal was against the refusal of outline planning permission for the erection of one dwelling.
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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 therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive.
3. The applicant claims that the Council has acted unreasonably as there is no evidence to support/rationalise its reasons for refusing the application, and the applicant has incurred unnecessary expense by having to undertake an appeal. The Council disputes that it has acted unreasonably.
4. The applicant considers that the Council has not provided sufficient explanation to support its reasons for refusal relating to location. In this regard, the applicant makes specific reference to the Council's Settlement Study which identifies Dalton le Dale as being within the Seaham Cluster, highlighting that it is the seventh highest scoring settlement for sustainability. The Council's officer report has acknowledged the appeal site's location within the Seaham Cluster. However, as the Council highlights, this is one aspect for considering sustainability along with other factors. The officer report considers other factors including relevant policies of the development plan.
5. Although the applicant may not agree with the Council's conclusion on the effect of the proposed development on the character and appearance of the area, the officer report clearly sets out the reasons why the Council considers it is not acceptable, in the context of relevant development plan policies.
6. In conclusion, the reasons for refusal set out in the Council's decision notice are complete, precise, specific and relevant to the application. They clearly state the policies of the County Durham Plan and those of the National Planning Policy Framework that the proposed development would conflict with. The

reasons have been adequately substantiated in the Council's officer report. Therefore, the appeal could not have been avoided.

7. The PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. I find this to be the case here, notwithstanding the fact that I have come to a different conclusion to the Council regarding the appeal site's accessibility to services and facilities.
8. For the above reasons, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

F Wilkinson

INSPECTOR