



Costs Decision

Site visit made on 28 October 2021

by Mr M Brooker DipTP MRTPI

kenwood dnx4150dab appointed by the Secretary of State for Communities and Local Government

Decision date: 17th November 2021

Costs application in relation to Appeal Ref: APP/X1355/D/21/3283300 8 High Wood View, Durham DH1 3DT

- 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 Aztec North Limited for a partial award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for construction of double dormer window to rear and conservation roof light to front to allow loft conversion.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. It is the Applicants case that Council have acted unreasonably in introducing an additional reason for refusal, departing from their earlier determination of a similar planning application¹ at the same site.
4. The Council has referred to two changes, in circumstance and policy, since the determination of that application, specifically the change in the proposed material for the windows from wooden clad to UPVc and the adoption of the Durham City Neighbourhood Plan.
5. On the basis of the evidence before me I am satisfied that these changes in circumstance and policy are material and the Council was acting reasonably in respect of the additional reason for refusal. As such, I am satisfied that the Council has not behaved unreasonably.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mark Brooker

INSPECTOR

¹ DM/20/02278/FPA