



Costs Decision

Site visit made on 10 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2021

Costs application in relation to Appeal Ref: APP/C4235/W/21/3276904 22 Gladstone Street, Stockport SK2 7QF

- 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 D Gough for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against a refusal to grant planning permission for 'Erection of 4no. 3-bed terraced houses and associated works following demolition of existing detached bungalow'.
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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, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Other examples set out in the PPG include where an LPA has made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The applicant contends that the Council failed to follow the professional advice of its officers without any evidence or justification. However, in this particular instance the timing of the planning application and accompanying parking survey coincided with national restrictions relating to the Covid-19 pandemic. Whilst I sympathise that this was a situation outside the applicant's control, it is understandable that the Council would have had reservations as to whether the parking data collected at that point in time was representative of the usual parking conditions in the area.
4. A further parking survey has now been undertaken at a time when the national restrictions have been relaxed and has been provided as part of the appellant's appeal submissions. This has validated the findings of the original survey that there is sufficient on-street parking capacity to accommodate the development. Even so, I do not consider that the Council acted unreasonably given the specific evidence before it and unusual circumstances presented by the pandemic at the time in which it made its decision.

5. 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