
Costs Decision

Site visit made on 8 February 2022

by Katherine Robbie BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2022

Costs application in relation to Appeal Ref: APP/H0738/W/21/3286194 Land to the rear of 232 Cotswold Crescent, Billingham TS23 2QN

- 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 & Mrs Leck (Blue Sky Homes) for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 10 dwellings.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. It goes on to indicate that local planning authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate a reason for refusal on appeal and vague generalised or inaccurate assertions about a proposal's impacts which are unsupported by any objective analysis.
4. The applicant states that the appeal was unnecessary because the planning application should not have been refused and that the reasons for doing so were not backed up by evidence and the Council has failed to rationalise their reason for refusal.
5. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the decision. It also clearly states which policies of the Stockton-on-Tees Local Plan that the proposal would be in conflict with and therefore the Council has not behaved unreasonably in that respect.
6. I do not agree that the Council have failed to substantiate their reasons for refusing the application. Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. It was the Council's assertion that the proposal did not accord with policies in the development plan and have set out clearly why they think that is the case. Therefore, the Council has not acted unreasonably in refusing the application. The decision was a matter of planning judgement.

7. I acknowledge that the Council's reason for refusal relies heavily on the lack of opportunity for soft landscaping, however, I have found that the layout of the proposed development would represent an overdevelopment of the site which the landscaping proposals go a significant way to highlight. I therefore do not consider the Council has acted unreasonably in that sense.
8. The appeal has not resulted in any unnecessary or wasted expense on behalf of the applicant. Simply instructing an agent to undertake an appeal is not considered to be an unreasonable expense in this instance.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated. An award of costs is therefore not justified and is accordingly refused.

Katherine Robbie

INSPECTOR