



Costs Decision

Site visit made on 15 February 2022

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Costs application in relation to Appeal Ref: APP/B3438/W/12/3285444 Land at Horse Road, Alton, Staffordshire 407064 342317

- 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 Prince for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal of planning permission for the erection of a detached cottage and formation of access.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicant submits that the Council acted unreasonably in delaying a decision that should have otherwise be approved and that this has led to unnecessary or expense in taking case to appeal.
4. Whilst it is clear that the planning application process ran over a considerable period of time, and well beyond the 8 week deadline, it appears that at least some of this was a result of the Council attempting to negotiate with the applicant and the applicant's own actions. Nevertheless, it also appears that the Council did not progress the application or respond to the applicant for some considerable periods of time. I note their concerns regarding staffing and the Coronavirus pandemic, but I find that their behaviour in not responding to the applicant was nonetheless unhelpful.
5. However, with regard to the reasons for refusal, I understand that only the matter of the principle of development was ever considered acceptable by the Council. At the time of the Council's decision no solution had been made with regard to either character and appearance, or potential risk to trees. Therefore, and lacking any evidence to the contrary, I find that even if the Council had made a decision prior the adoption of the new development plan, it would have been a refusal and that as such an appeal would have still been necessary.

6. In light of the above I do not find that the Council delayed a decision which should have otherwise been allowed and as such, the applicant's costs associated with the appeal were a necessary part of the process.

Decision

7. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I find that an award of costs would not be justified in this case.

Samuel Watson

INSPECTOR