
Costs Decision

Site visit made on 8 February 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2022

Costs application in relation to Appeal Ref: APP/W0734/Z/21/3285349 269 Cargo Fleet Lane, Middlesbrough TS3 8EX

- 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 H Singh for a full award of costs against Middlesbrough Borough Council.
 - The appeal was against the refusal of planning permission for fascia sign.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. It also states that examples of unreasonable behaviour by local planning authorities includes lack of co-operation with the other party or parties and delay in providing information or other failure to adhere to deadlines. Unreasonable behaviour in the context of an application for an award of costs may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).
3. The applicant considers that the Council has acted unreasonably by not acting within the time constraints, not working cooperatively, and giving incorrect information regarding re-application timescales. In their statement the appellant highlights that the Council did not give them enough notice in relation to the potential opportunity for them to re-submit an application for a smaller sign within one year of the decision notice being issued. However, they have not submitted any substantive evidence to support this. The appellant also states that the original application took approximately one year to be determined. However, even so, I also have no substantive evidence before me to suggest that this delay was caused by deliberately by Council officers.
4. Therefore, in my overall planning judgement, it appears to me that having regard to the evidence before me the Council adequately explained the reasoning behind their decision. As a result, I find that the Council had reasonable concerns about the impact of the proposed development which justified their decision.
5. The refusal of planning permission in this case therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the Guidance. Accordingly, I consider that the Council did not lack cooperation with the other party or delay in providing information or otherwise fail to adhere to deadlines.

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and that an award of costs is not justified.

C Coyne

INSPECTOR