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## Costs Decision

Site visit made on 22 May 2022

**by K Ford MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 June 2022**

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### **Costs application in relation to Appeal Ref: APP/B3410/D/22/3295925 1 Fole Bank Barns, Fole Lane, Fole ST14 5EE**

- 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 P Williams for a full award of costs against East Staffordshire Borough Council.
  - The appeal was against the refusal of planning permission for the erection of a 2 storey front extension.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the other party applying for costs to incur unnecessary or wasted expense in the appeal process. Awards against local planning authorities may be either procedural relating to the appeal process or substantive, relating to the planning merits of the appeal. The applicant is seeking a full award of costs on substantive grounds.
3. The applicant's case is founded on the view that the Council acted unreasonably in basing their decision on the fact that the building was once in agricultural use rather than being assessed as a residential dwelling. They also consider that the scale and siting of the proposal would be suitable and in keeping with the existing dwelling and would compliment the existing structure. They therefore take the view that the Council were wrong to refuse the planning application on grounds of character and appearance.
4. The Council's assessment was clearly based on the building having a residential use and in their reasoning for refusing the planning application explain why they consider the proposal would harm the character and appearance of the area. This was done with reference to relevant policies in the development plan. The Council applied reasoned planning judgement which can be subjective in matters such as character and appearance. The Council's view was different to that of the applicant but this does not constitute unreasonable behaviour.

## **Conclusion**

5. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is dismissed.

*K Ford*

INSPECTOR