
Costs Decision

Site visit made on 17 May 2022

by Mr M Brooker DipTP MRTPI

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 June 2022

Costs application in relation to Appeal Ref: APP/N1350/W/22/3290187 12 Vane Terrace, Darlington DL3 7AT

- 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 Paul Million for a full award of costs against Darlington Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from dwelling house (Class C3) to 8 person HMO (sui-generis).
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Decision

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

Reasons

2. It is the applicant's case that in referring to the newly adopted H8, part iV, of the Darlington Local Plan the Council have sought to introduce additional reasons for refusal.
3. In response to a request for clarification of the planning policy situation by the Planning Inspectorate the Council responded with details of Policy DC4 and H8. While summarising the provisions of Policy H8 reference was made to part IV, along with the other provisions of that Policy.
4. The Council's response to the costs application clearly states that it was not their intention to introduce any new or additional reasons for refusal.
5. On this basis find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mark Brooker

INSPECTOR