



Costs Decision

Site visit made on 12 July 2022

by K Williams MTCP (Hons) MRTPI

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

Decision date: 25 August 2022

Costs application in relation to Appeal Ref: APP/C4235/D/22/3298277 15 Ellwood Road, Offerton, Stockport SK1 4BD

- 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 by Mr David Finn for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a double storey side extension.
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Decision

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

Reasons

2. The 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 or wasted expense in the appeal process. The PPG¹ advises awards against a local planning authority may be substantive, for example by failing to substantiate the reason for refusal.
3. The applicant considers that the Council has exhibited unreasonable behaviour in that the conclusion to the officer's report is entirely at odds with the earlier commentary of the report.
4. Whilst there are elements of the officer report that read positively in favour of the external appearance of the proposed development, it does make clear statements as to why the scheme is considered unacceptable in the section on the character and appearance of the area. Therefore, the conclusion and reason for refusal are not substantially at odds with the assessment.
5. The reason for refusal set out in the decision notice is complete, precise, specific, and relevant to the application. It also sets out the policies of the Core Strategy, Unitary Development Plan and Supplementary Planning Document with which the Council considers the proposal would conflict.
6. The applicant also suggests the Council added to the appeal case in their costs statement. In my view, the Council's behaviour was unreasonable in that the Council's cost response provides correction to the assessment of the proposal

¹ Paragraph: 046 Reference ID: 16-046-20140306

against the interpretation of the Council's Supplementary Planning Guidance (SPD).

7. Nonetheless, the PPG advises an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. I find no substantive evidence that the appellant incurred any additional expense following the Council's costs response.

Conclusion

8. For the reasons set out above I conclude that, whilst the Council exhibited unreasonable behaviour in some respects, I find that no wasted or unnecessary expense has been incurred by the appellant in the appeal process. I conclude therefore, that the application for an award of costs should be refused.

K Williams

INSPECTOR