
Costs Decision

Site visit made on 1 August 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Costs application in relation to Appeal Ref: APP/X1355/W/22/3298356 Land to the south of Woodside Grove, Tantobie, Co Durham DH9 9PR

- 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 Kelly Bainbridge for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for proposed Storage Containers (x6) and 4 CCTV steel poles, concrete pad (retrospective) and concrete pad with mobile field shelter in field.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that 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. 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 has stated that the Council based their decision on inaccurate information and made incorrect assertions which affected how the application was subsequently assessed.
4. Whilst the officer report made certain statements regarding the implementation of aspects of an earlier permission for the equestrian use of the site, it is evident that the site was assessed based on what they considered to be the cumulative harm caused by that permission, and that subject to this appeal. The 'Monarch Barn' may not have been constructed at the time of the site visit, but it is clear that there was a full evaluation of the site.
5. Although I have not found the effect on the landscape to be harmful, the planning officer received advice from their landscape team in reaching their decision, and has given reasons to substantiate their concerns.

6. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PGG, has not been demonstrated.

M J Francis

INSPECTOR