



Costs Decision

Site visit made on 1 September 2022

by Mr R Walker BA HONS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Costs application in relation to Appeal Ref: APP/X1355/W/22/3299669 Evergreen Park, Road Leading To Evergreen Park, Crimdon TS27 4DW

- 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 Evergreen Park Ltd for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for the change of use from a materials storage area to permit the siting of 16 executive holiday lodges without complying with a condition attached to planning permission Ref DM/15/01520/FPA, dated 21 July 2016.
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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. Claims can be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal.
3. It is put to me that the Council has not determined the application in accordance with planning policy and law, including in relation to the siting of caravans and standards associated with the licensing regime. Moreover, it is put to me that the Council has misinterpreted the guidelines on S106 contributions, and the viability evidence presented. This has led, the appellant contends, to wasted expense in submitting the appeal. The Council has defended its position.
4. Whilst I note the appellant's views regarding the licencing regime and viability evidence, as the decision maker, the Council is entitled to decide what weight it attaches to material considerations. It substantiated its concerns, providing reasons why it considered there would be harm. Whilst I have not agreed with all the conclusions of the Council, it will be seen from my decision, that I have found that the proposal would be contrary to the Development Plan, including in respect of the affordable housing provision. As I have dismissed the appeal, the Council has not prevented or delayed development which should clearly be permitted. As such, there has not been any wasted expense during the appeal process.
5. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Mr R Walker

INSPECTOR