
Costs Decision

Site visit made on 10 August 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Costs application in relation to Appeal Ref: APP/Y3425/W/22/3291378 Land adjacent to Acorn Cottage, Drointon Lane, Stowe by Chartley, ST18 OLD

- 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 Stephen Randall for a full award of costs against Stafford Borough Council.
 - The appeal was against the refusal of planning permission for erection of a one and a half storey dwelling.
-

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.
3. The applicant's costs claim is made on the grounds that the Council failed to communicate in a timely manner, that they provided an unrealistic deadline for the submission of information and that they refused to allow the applicant to submit further information.
4. The Council failed to communicate with the applicant for a period of several months, despite the applicant's attempts at engagement. Whilst understandably frustrating, it has not been shown that the lack of communication was as a result of deliberate obstruction in order to delay the process. Rather it was as a result of a particular set of circumstances at the time. Whilst regrettable, unreasonable behaviour on the part of the Council has not been demonstrated in this regard. In any event the delays would not, in themselves have resulted in a different decision such that they have created wasted expense in the appeal process.
5. Although the applicant considers that they were given an unrealistic timescale to address the Highway Authority concerns, the emails show that the Council did not insist upon a specific deadline but rather expressed the need for urgency, given that the application at that stage, was to go before the Planning Committee. The applicant also confirmed at this time they did not wish to pursue a S106 legal agreement until they knew the Committee's position on the proposal. As the applicant had been requesting a decision and the Council were trying to conclude matters by putting the application forward for

consideration by the Planning Committee, I do not find that this amounts to unreasonable behaviour.

6. The Council's decision to not accept the applicant's revised site plan was somewhat harsh, given the previous delays. It would also have been within the agreed extension period and at the point that the planning application was no longer required to go before the Planning Committee. Nevertheless, even if the site plan had been accepted, it would not have resolved the outstanding highway matters to the satisfaction of the Council, given their requirement for a S106 legal agreement. This could have been better articulated by the Council but it is not unreasonable behaviour that has led to wasted expense in the appeal process.
7. Regardless of the highway matters above, the Council were clear from early on in the process, that the application would be refused in relation to the location of the development and the impact on the character and appearance of the area. An appeal is likely to have followed anyway, albeit with 2 rather than 3 reasons for refusal. Work in addressing the highway matters was necessary to support the appeal submissions overall, rather than as a consequence of unreasonable behaviour of the Council.

Conclusion

8. Although I understand the applicant's evident frustration with their perception of the Council's approach, insofar as is relevant to this costs application, based on all the evidence before me, I find that no action, or inaction, taken by the Council amounts to unreasonable behaviour as described in the PPG, directly resulting in unnecessary or wasted expense at appeal. Therefore, an award of costs is not justified.