



Costs Decision

Site visit made on 5 September 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Costs application in relation to Appeal Ref: APP/C4235/D/22/3294748 The Beeches, Holly Vale, Marple Bridge, Stockport SK6 5DQ

- 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 David Hill for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission to construct a cantilever with a steel substructure to extend the existing garage plinth at floor level by two and a half metres into the property's curtilage. Move the existing sectional concrete double garage back into the curtilage thus revealing a parking space on the existing garage floor. Add steel steps to give access to the garage's rear door.
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Decision

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

Reasons

2. Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. It is an accepted principle that parties in planning appeals normally meet their own expenses. An award of costs does not extend to indirect losses.
3. The applicant suggests that the Council have acted unreasonably in requiring the submission of additional documents, including a heritage assessment. However, this document is required to support proposals in conservation areas and is a national validation requirement. The Council was entitled to request such additional information as it considered necessary to properly assess the proposal. This has not therefore led the applicant to incur unnecessary or wasted expenditure in pursuing the appeal.
4. The applicant expresses a concern about delays in the planning process from the submission of their first pre-application enquiry to the Council in September 2020. The Council provided the appellant with pre-application advice on two separate occasions. Although I do not have the full details of that advice before me, it nevertheless indicates a willingness on the part of both parties to engage in the planning process at an early stage to ensure a timely decision on any subsequent planning application and avoid unnecessary delays and costs.
5. Whilst there was a delay with the determination of the planning application, this appears to have been due largely to the submission of further plans during the Council's consideration of the application which detailed the proposed rear

staircase. I am satisfied that the length of time taken by the Council to determine the application does not amount to unreasonable behaviour.

6. The applicant claims that they have received little other than resistance and criticism to their proposal. However, the concerns expressed by the Council are matters of judgement. The officer report shows that an analysis of the merits of the proposal was undertaken with regard to the specific circumstances and constraints of the site.
7. I have reached the same decision as the Council regarding the merits of the proposal. That does not vindicate any procedure or reasoning on their part. However, it establishes that it is not the case that planning permission should clearly have been granted; the Council's decision stands scrutiny relative to the statutory approach to decision-taking. The dispute was a matter of planning judgement, rather than the applicant being forced into an appeal by consequence of unreasonable behaviour or delays in determining the application on the part of the Council.
8. It therefore follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. The evidence does not justify either a full or partial award of costs. The application for an award of costs is refused.

M Ollerenshaw

INSPECTOR