



Costs Decision

Site visit made on 1 November 2022

by Samuel Watson BA (Hons) MSc MRTPI

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

Decision date: 21 November 2022

Costs application in relation to Appeal Ref: APP/M3455/W/22/3299359 168 Endon Road, Norton Green ST6 8NQ

- 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 Alan and Mrs Ann Sherratt for a full award of costs against Stoke-on-Trent Council.
 - The appeal was against the refusal of planning permission for erection of 3 dwellings.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) makes it clear that parties in planning appeals normally met their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicant submits that the Council has acted unreasonably by not suitably evidencing or substantiating their reason for refusal at appeal and, therefore, delaying development which should clearly be permitted.
4. The appeal primarily turned on whether Norton Green is a village for the purpose of exception (e) under Paragraph 149 of the National Planning Policy Framework. I find that this matter relies on a strong degree of judgement being employed and there was a reasonable potential for a difference of opinion to arise given the evidence that was available. Although I found differently to the Council, in allowing the appeal, I am satisfied that the Council suitably justified its concerns within its submissions. This included detailing the conditions of the settlement and highlighting why they considered this to warrant its description as a hamlet.
5. It is also clear that in doing this the Council made reference to and therefore considered the applicant's case with regards to the history of the settlement, with particular regard to the former church.
6. In light of the above, I consider that the Council did not act unreasonably in their decision-making and that the decision was substantiated, taking account of the appellant's case. I consider that the Council did not act unreasonably in refusing the planning application and therefore the work undertaken by the

applicant, involved in defending the appeal, was necessary and therefore not a wasted expense.

7. Unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I find that an award of costs would therefore not be justified in this case.

Samuel Watson

INSPECTOR