

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: 28 November 2022

Costs application in relation to Appeal Ref: APP/X1355/W/22/3297977 Greenhills Farm Cottage, Greenhills Farm, Wheatley Hill, Durham DH6 3QS

- 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 & Mrs James and Anne Horn for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for construction of two detached dormer dwellings (revised application).
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Decision

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

Reasons

2. Paragraph 030¹ of the National Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Paragraph 051² of the PPG states that awards against appellants may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The applicants outline several points as to how they consider the Council to have behaved unreasonably. However, the applicants do not elaborate, as to how they consider the Council to have behaved unreasonably in relation to the individually listed points. Moreover, it will be seen from my decision that I have, in the main, agreed with the Council on the substantive matters of the appeal.
4. The applicants indicate that wasted expense has included unnecessary reports and unnecessary delays losing the business potential income. However, the applicants do not quantify what reports they consider were unnecessary and why. Moreover, in dismissing the appeal and finding harm, and conflict with the Development Plan, it is unclear to me what reports were unnecessary even though I have not found in favour with the appeal. As outlined above, any wasted expense is limited to expense in the appeal process and would not, irrespective of the outcome of the appeal, relate to any potential business income.
5. Given my conclusions in the appeal decision, the Council has not delayed development which should clearly be permitted, having regard to its

¹ Reference ID: 16-030-20140306

² Reference ID: 16-051-20140306

accordance with the development plan, national policy, and any other material considerations. Overall, on the evidence before me, the Council's consideration of the planning application or its appeal submissions, has not led to wasted expense in the appeal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Mr R Walker

INSPECTOR