



Costs Decision

Site visit made on 22 November 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Costs application in relation to Appeal Ref: APP/W0734/W/22/3307708 16 Queens Road, Middlesbrough TS5 6EE

- 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 Eduardo Duque and Ms Kath Lockwood for a full award of costs against Middlesbrough Council.
 - The appeal was against the refusal of planning permission for change of use from 3 flats to 5 bed HMO.
-

Decision

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

Procedural Matter

2. The applicants have not specified whether a partial or full award of costs is sought. I understand this to mean that they are applying for a full award of costs.

Reasons

3. 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.
4. The applicants consider that the Council has behaved unreasonably on the basis that the refusal reason was based on political views rather than valid planning reasons. The applicants also state that the Council have failed to consider that planning permission would not be required for the proposed development if it remained as a single dwelling rather than 3 flats, and that it is unreasonable to state that the proposed development will result in increased demand for parking.
5. I acknowledge that the planning application was refused by the Council's Planning Committee, contrary to the officer recommendation. However, it is important to note that this is an established democratic process and does not necessarily amount to unreasonable behaviour.
6. Although in allowing the appeal I have arrived at a different conclusion than the Council, I am satisfied that the Council arrived at their decision following proper process and in a reasonable manner. In determining the planning application, the Members of Planning Committee have had regard to the officer's report and

the representations made, including those of the local highway authority who objected to the proposed development. The Members undertook a balancing exercise and determined that the proposals would lead to harmful effects on parking, free flow of traffic and character, whereas the officer making the recommendation did not consider sufficient harm would arise to warrant refusal. On the basis of the lack of specific evidence to determine the precise impacts of the proposed development, this was a matter of planning judgement.

7. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably, with examples of unreasonable behaviour including failing to produce evidence to substantiate each reason for refusal on appeal, or vague, generalised or inaccurate assertions about a proposal's impact. Though I have ultimately disagreed with the Council's decision, I am satisfied that the reason for refusal was appropriately substantiated and none of the criteria amounting to unreasonable behaviour as set out in the PPG have been met.
8. Based on the information before me, I find no unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has been demonstrated, as set out in the PPG. The application for an award of costs is therefore refused.

P Storey

INSPECTOR