



Costs Decision

Site visit made on 24 April 2023

by Samuel Watson BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2023

Costs application in relation to Appeal Ref: APP/B3438/W/22/3313195 Land adjacent to The Bungalow, High Street, Kingsley, Staffordshire ST10 2AE

- 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 John Matthews for a full award of costs against Staffordshire Moorlands District Council.
- The appeal was against the refusal of planning permission for the erection of 1 dwelling on land off existing access route.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The applicant submits that the Council acted unreasonably by making an inconsistent decision that went against the advice of the Planning Officer and ultimately delayed development that should clearly be permitted.
4. The permissions associated with the previous scheme have expired and I have found that the circumstances on the ground have changed. Therefore, whilst the Council previously approved, what I understand to be, an identical scheme, they have not been inconsistent in reaching a different outcome through their reconsideration of the proposal in the context of the current situation.
5. Whilst the PPG is silent on whether elected members can overturn a planning officer's recommendations, I have no reason to believe that recommendations and consultation responses preclude them from reaching their own conclusions. Whilst I have not found in agreement with the Council on all their reasons for refusal, they were nonetheless fully justified and supported with reference to both local and national policy. Consequently, I do not find that it is unreasonable for the elected members to have reached their own decision.
6. Given the above as well as my findings set out in the associated appeal decision, I do not find that the Council delayed development that should clearly have been permitted.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR