



Costs Decision

Site visit made on 27 June 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Costs application in relation to Appeal Ref: APP/W0734/W/23/3320999 60 Low Lane, Middlesbrough TS5 8EA

- 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 S Rashid for a full award of costs against Middlesbrough Council.
 - The appeal was against the refusal of the Council to grant planning permission to demolish existing bungalow and build new two-storey height detached house with double detached garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process. It is also clarified in the PPG that costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, though behaviour and actions at the time of the planning application can be taken into account in the consideration of whether costs should be awarded or not.
3. The applicant is seeking a full award of costs and highlights both substantive and procedural issues. In terms of procedural matters it has been alleged that given the negotiations and amendments made during the application process, across two applications, the Council have acted inflexibly in refusing the final scheme. The Council has responded setting out their case and state they had maintained a dialogue with the applicant which is evident from the correspondence between the parties. The Council reviewed the amendments promptly and provided clear feedback of their position on the scheme. While I note that the applicant made a number of amendments to the proposal, these changes did not result in a policy compliant scheme that could be supported by the Council. As such, I do not consider that the Council have acted inflexibly.
4. With regard to substantive matters, the applicant contends that the Council acted unreasonably in refusing the application despite the proposal being reasonable sized, scaled, designed and located within an area that has a variety of building sizes and designs. The Council refused the application because it was contrary to the provisions of the development plan and provided reasons for this. As can be seen in my appeal decision, I too have found conflict with the development plan read as a whole. As such, I am satisfied that the

Council substantiated their reasons for refusal adequately, clearly demonstrating on planning grounds why the proposal would be unacceptable.

Conclusion

5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Harrison

INSPECTOR