



Costs Decision

Site visit made on 13 November 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2024

Costs application in relation to Appeal Ref: APP/X1355/D/23/3327172 Pit House, Pit Lane, Brandon, Durham DH7 8SZ

- 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 Bill Alexander for a full award of costs against Durham County Council.
 - The appeal was against the refusal of the planning permission for the part demolition of existing attached garage and erection of two storey extension to the side of the property.
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Decision

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

Reasons

2. 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. Unreasonable behaviour can be either substantive or procedural in nature.
3. The applicant contends that the Council have behaved unreasonably on substantive grounds in respect of: providing no evidence to support or rationalise its reason for refusal; failing to take into account established case law and appeal decisions; and failing to take into account the fallback position; which resulted in the applicant incurring unnecessary expense.
4. The Council set out clear reasons for refusing planning permission within its officer report and decision notice. This reasoning is complete, precise, specific and relevant to the application, clearly identifying those policies of the County Durham Plan (2020) considered to be in conflict.
5. Correspondence between the parties indicates that the issue of painting the building as a fallback position was considered by the Council and taken into account when it refused the proposal for render. The decision on whether or not to grant permission for the rendering and subsequent painting of the house white required the exercise of planning judgment. I am therefore satisfied that the Council did not act unreasonably in reaching its decision.
6. Having had the application refused, the applicant exercised his right of appeal. Parties in planning appeals normally meet their own expenses. As the Council did not act unreasonably, it has not caused the applicant to incur unnecessary or wasted expense in the appeal process.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for costs is refused.

L Clark

INSPECTOR