



Costs Decision

Site visit made on 30 January 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Costs application in relation to Appeal Ref: APP/X1355/W/23/3334353 24 Nevilledale Terrace, Durham DH1 4QG

- 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 Mrs Gabrielle Moore for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for change of use from 6 bed dwelling house to 2 No. flats.
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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.
3. The local planning authority (LPA) refused the planning application at planning committee, contrary to officer recommendation. The applicant considers that the planning committee behaved unreasonably in not supporting the recommendation of planning officers.
4. The determination of planning applications by a planning committee is an established democratic process, and the committee reaching a different conclusion to that recommended by officers does not necessarily amount to unreasonable behaviour. The decision reached by the committee found that the proposal would harm the living conditions of neighbouring occupiers. In reaching this conclusion, I am satisfied that the members of the planning committee appear to have given regard to the officer report, the representations made, and have undertaken a balancing exercise on this basis.
5. Although in allowing the appeal I have arrived at a different conclusion than the LPA, I am satisfied that the LPA arrived at their decision following proper process and in a reasonable manner. With particular regard to the planning history of the appeal site and the level of public interest in the proposed development, I acknowledge that the main issues were finely balanced and the assessment of their effects was a matter of planning judgement.
6. 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. Although I have ultimately disagreed with the LPA'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.

Conclusion

7. 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