



Costs Decision

Site visit made on 15 April 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Costs application in relation to Appeal Ref: APP/B3410/D/23/3334675 Hutts Barn, Stanton Lane, Ellastone, Ashbourne, DE6 2HD

- The application is made under the Town and Country Planning Act 1990, section 78, section 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr W Woods for a full award of costs against East Staffordshire Borough Council.
 - The appeal was against the refusal of planning permission for construction of garage and storage loft ancillary to Hutts Barn, Ellastone.
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Decision

1. The application for award of costs is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by local planning authorities include failure to co-operate with the other party, and failure to produce evidence to substantiate a reason for refusal, making vague, general or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant considers that the Council has failed to engage positively with them during the determination of the planning application amounting to a failure to co-operate and that the Council's reason for refusal is unsubstantiated by evidence.
5. It is regrettable that the applicant felt that the Council failed in the level of pre application engagement and that there were undue delays in the process. However, the Council's evidence shows that communication took place between the parties within the determination period (albeit at the very last date) and clearly set out the elements of the application that remained unacceptable in the Council's opinion. Even if the Council's response had been made at an earlier stage, the proposal was clearly not acceptable to the Council as submitted. I therefore find that the evidence does not sufficiently demonstrate that the Council's behaviour was unreasonable in terms of procedure.
6. In respect of the Council's handling of the substantive merits of the appeal proposal, I find that these are set out clearly and comprehensively in the

Council's decision notice, and further justification is provided in the supporting Officer Report. Following the exercise of subjective judgment, although I concluded the appeal proposal to be acceptable, it does not automatically follow that the Council's opposing view was an unreasonable stance to take, as the matter required balanced judgment.

7. Consequently, I do not find the Council acted unreasonably in providing the pre-planning advice or in determining the application. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not therefore been demonstrated. Therefore, having carefully considered the views of the parties, I conclude that unreasonable behaviour resulting in unnecessary expense as described in PPG paragraph 030 has not been demonstrated in this case and an award of costs is not justified.

A Hartley

INSPECTOR