
Costs Decision

Site visit made on 15 April 2024

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Costs application in relation to Appeal Ref: APP/M3455/W/24/3337119 10 Claridge Road Stoke-on-Trent ST4 6EX

- 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 Robert Stone of Ashstone Myers Limited for a full award of costs against Stoke-on-Trent Council.
 - The appeal was against the refusal of planning permission for the change of use of a Class C3 dwellinghouse to an 8-bedroomed HMO together with roof alterations.
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Decision

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

Reasons

2. Parties are expected to meet their own costs of appeal proceedings, but awards of costs may be warranted where one party has behaved unreasonably putting the other party to wasted expense. The appellant's claim for costs here is founded on the Council allegedly failing to substantively justify its reasons for refusing planning permission. The appellant considers that the Council's reasons amount to vague, generalised or inaccurate assertions about the impact of the proposal, which are unsupported by any objective analysis, and failed to recognise the 'fallback' position of a six-bedroomed HMO when assessing the proposal. The Council failed to engage with the applicant and proceeded to refuse the application.
3. By way of response, the Council refer to the officer's report analysing the main issues in the case and identifying the policies relevant to the application. The fallback position was known to the Council, but the proposal here was for an eight-bedroomed HMO. There is no requirement to have engaged in discussions during the course of a live application which the Council are obliged to determine within a set timescale, and no pre-application advice was sought by the appellant.
4. In the face of an objection from a statutory consultee, in this case the local highway authority, pointing out shortcomings in the application submission documents, and a specific finding as to harm arising in relation to the outlook from one of the roof bedrooms, it is not possible to say that the Council's reasons for refusing permission amount to vague or generalised assertions. The absence of section drawings has meant that the height of the front upper floor room's velux window cannot be ascertained with certainty and thus the Council's concern as to the outlook of the occupier of that room is justified. Reflecting the concerns of a statutory consultee in a reason for refusal is not on

the face of it unreasonable and the appellant acknowledges that 'modest harm' will arise from a perceived further increase in the demand for on-street parking. That acknowledgement inevitably invites the application of judgement weighing that harm against the benefits of the proposal, about which views may legitimately differ.

5. For these reasons the application for an award of costs is refused.

Laura Renaudon

INSPECTOR