



Costs Decision

Site visit made on 29 May 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal B Ref: APP/B3438/W/23/3334462

The Orchard, Springfield Drive, Leek, Staffordshire, ST13 6ET

- 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 John Hurst for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal of planning permission for the erection of a dormer bungalow.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 PPG gives examples of substantive reasons for an award of costs, which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant is seeking a full award of costs against the Council. Their claim is on the grounds that the decision of the members of the Council's planning committee to refuse the planning application against the recommendation of their professional officers was unjustified and unreasonable. It is purported that this then led to the applicant incurring unnecessary and wasted expense through the submission of the appeal.
5. The planning officer's committee report, whilst recommending approval, sets out in detail the balance of considerations undertaken relating to matters including character and appearance and living conditions. The committee minutes give limited detail however it notes that representations both for and against the proposal were made and that discussion took place around the size of the garden at the proposed dwelling and the overall residential amenity of the site.
6. I have not been provided with video evidence of the committee meeting thus cannot ascertain what level of discussion took place. Nevertheless, the onus is on the applicant to demonstrate the unreasonable behaviour purported in this application.
7. Based on the information provided, it seems to me that members heard and were aware of arguments for and against the proposal and thus they could

reasonably reach a different view to their officer, on what is ultimately a subjective matter. The committee is not duty bound to follow the advice of its professional officers and members are open to exercise their own planning judgement, but in doing so, are required to adequately substantiate their position.

8. The reasons for refusal as set out in the Council's decision notice are complete, precise, specific and relevant to the proposal, referencing the relevant policy of the development plan that the proposal was considered to be in conflict with. The Council's statement of case expands upon the reasons for refusal in more detail. I am satisfied that the Council substantiated its case.
9. Although I have disagreed with the Council's reasons for refusing permission and have therefore allowed the appeal this does not mean that the Council have acted unreasonably in coming to its decision to refuse the application.
10. I find that unreasonable behaviour on the Council's part has not occurred therefore I am not required to consider whether unnecessary expense for the applicant has ensued. An award of costs in this instance has not been justified.

H Ellison
INSPECTOR