



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

Costs application in relation to Appeal Ref: APP/B3438/W/23/3334461 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, alterations and extensions to The Orchard and reconfiguration of site access to enable both dwellings to be accessed from Deebank Heights.
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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. The PPG goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal.
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 condition matters. The committee minutes give limited detail however I have also been provided with a recording of the meeting. It is clear that members heard submissions from the planning officer, objectors, the applicant and their agent.
6. Together, this evidence indicates to me that members heard and were aware of arguments for and against the proposal. In this context, members could reasonably reach a different view to their officer, on what is ultimately a subjective matter.

7. With regard to the outcome of the planning committee meeting, the planning officer can advise the committee in order to assist with the decision-making process. However, the committee is not duty bound to follow the advice of its professional officers. Members are open to exercise their own planning judgement, but in doing so, are required to adequately substantiate their position.
8. Following the evidence presented at the committee and the subsequent discussions, members raised concerns related to the loss of trees and the extensions to The Orchard, and the effect these elements of the proposal would have on the character and appearance of the area and the living conditions of neighbouring occupiers. This led to the reasons for refusal.
9. 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.
10. 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 acted unreasonably in coming to its decision to refuse the application. There was clearly a difference of opinion between the parties on the planning merits of the proposal and I am satisfied that the Council substantiated its reasons for refusal.
11. The Council did not behave unreasonably thus I am not required to consider whether unnecessary expense has ensued. An award of costs in this instance has not therefore been justified.

H Ellison
INSPECTOR