



Costs Decision

Site visit made on 19 June 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Costs application in relation to Appeal Ref: APP/B3438/W/24/3338540

Land to rear of Rosedale, 403 Cheadle Road, Cheddleton, Staffordshire ST13 7BH

- 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 T J Bode for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal of planning permission for demolition of existing attached garage and erection of 4 detached dwellings and replacement garage.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 applicant claims that the Council has acted unreasonably with respect to the substance of the matter under appeal in relation to:
 - preventing or delaying development which should, in the appellant's view, clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and
 - vague, generalised or inaccurate assertions about the proposal's impact which are unsupported by any objective assessment.
4. The applicant has raised matters, under the first ground, that are not directly related to the appeal and has sought an award for losses which they say have resulted from delays in obtaining planning permission. I have had regard to the series of exchanges and delays as the applicant has set out, that took place during the planning application process. I note that the applicant was provided the opportunity to address consultee concerns and comments with revised plans, requests for more information and periods of re-consultation. Indeed, this included an ecology survey which had to be carried out in the correct season.
5. From what is before me, I note that time extensions to undertake these further tasks were agreed by the applicant with the Council at the time. It is a reasonable part of the application process for the determining body to explore, assess and, where possible, resolve any matters in dispute in order to narrow the issues of concern and objection about a development proposal. In this case, these activities appear to me to have met with some success as most matters in dispute were resolved during the determination of the application by the Council as they do not feature in the reasons for refusal.

6. The matters which led to the delay in the determination of the planning application due to the further exploration and activities identified ultimately did not cause or result in the applicant's decision to make this appeal. From the submissions made, the reasons for planning permission to be refused were unrelated. Notwithstanding the points made by the applicant in this application for costs, the Council constructively engaged with the applicant and agreed time extensions for the additional work to be done and then determined the application in light of this and within an agreed time extension.
7. With regard to the applicant's second ground for an award of costs, in reviewing the minutes of its meeting of 10 August 2023, it is evident that the Council's Planning Committee considered all matters relating to the proposed development in some detail. Furthermore, I find that through its deliberations and debate, the Committee Members identified what were, in their view, specific weaknesses in the proposal and the planning harms against it. This assessment was undertaken in the policy context of the Staffordshire Moorlands Local Plan 2020 and the National Planning Policy Framework.
8. Planning is subjective and the Committee Members of the Council are entitled to reach a decision that is not in accord with an officer recommendation, providing that the reasons for that decision are fully justified and they have had regard to the relevant policies.
9. Based on what is before me, I find that the Council has reasonably and appropriately applied the relevant policies of the development plan and national policy to the proposed development. It has also reasonably taken account of all other material planning considerations in determining the planning application. The Council has also worked reasonably with the applicant to agree time extensions in order to reach a determination of the application. Furthermore, it is noted that the Council continued to positively engage with the applicant prior to the submission of a revised application on the appeal site, which has subsequently been granted approval.
10. I have had regard to the applicant's assertion that the Council ignored expert advice from the highway authority in reaching its decision to refuse. However, I am satisfied that the Council did take account of the advice from the highway authority but also considered other material considerations and made a planning judgement based on the information provided. Moreover, the Council did not issue its refusal on the grounds that there would be an unacceptable impact on highway safety. Instead, the Council identified access and parking issues arising from awkward and tortuous arrangements for the parking and turning of vehicles within the proposed site. This, it was concluded, would limit the functioning of the development for future users to the extent that it would be harmful to the amenity of residents and their living conditions. In any event, the Planning Committee is entitled to not take the advice provided by statutory consultees and experts where it is reasonably considered and justified that there is a material reason for not doing so.
11. The Council has, through its reason for refusal and submitted statements, explained its reasoning and justification for not granting planning permission in this case. In my assessment, the Council has not behaved unreasonably in determining the application and in defending its decision in this appeal and therefore has not caused the applicant to incur unnecessary or wasted expense by preventing or delaying development. Nor do I find that the Council provided vague, generalised or inaccurate assertions about the impact of the proposal. For this reason, neither a full or partial award of costs is justified in this case.
12. Consequently, I conclude that the application for a full award of costs, as set out by the applicant, is refused.

A McCormack

Inspector