



Costs Decision

Site visit made on 29 August 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2024

Costs application in relation to Appeal Ref: APP/W0734/D/24/3344355 88 The Avenue, Linthorpe, Middlesbrough TS5 6RT

- 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 A Adil for a full award of costs against Middlesbrough Council.
 - The appeal was against the refusal of planning permission for side first floor bedroom extension and rear ground floor sunroom / kitchen extension.
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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 applicant is seeking an award of costs on substantive grounds. In short, the applicant contends that the Council has acted unreasonably by applying the guidance in their Urban Design Supplementary Planning Document 2013 (SPD) in an inflexible manner, leading to an incorrect decision.
4. Although I have allowed the planning appeal and have disagreed with the Council's conclusions, this in itself does not dictate that an award of costs should automatically be made.
5. In this instance, in addition to the Development Plan, the Council were clearly entitled to consider as a material consideration the contents of the published SPD, and determined the application in accordance with the guidance as set out within the SPD. I do accept the applicant's point that the SPD is not meant to be strictly applied in all circumstances. Nevertheless, as the proposal was contrary to the SPD in some respects, it was not clear that planning permission should have been granted with regards to the development plan and material considerations.
6. The refusal reasons, together with the Council's officer report, set out the rationale for refusing the planning application, with specific reference to identified aspects of the area's character and appearance, not just the SPD requirements. I also recognise that the determinative factors in this case relating to character and appearance are largely subjective. Thus, and despite my conclusions to the contrary, it was reasonable for the Council to have exercised planning judgement in reaching its own view on these matters.

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7. I therefore find that the Council has not acted unreasonably with respect to the substance of the appeal. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

A Caines

INSPECTOR