The Planning Inspectorate

Costs Decision

Site visit made on 19 August 2024

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Costs application in relation to Appeal Ref: APP/B3438/C/24/3341049
Land Off Foxt Road, Foxt, Leek, Staffordshire, ST10 2HN

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Andrew Saxon for a full award of costs against Staffordshire Moorlands District Council.
- The appeal was against an enforcement notice alleging the erection of a pole barn erected on a stone chip hardstanding and walled in blue tarp on 3 sides ("the Barn") on the Land.

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. I appreciate the applicant does not agree with the Council's consideration of the development; indeed, I have concluded the development is lawful. Nevertheless, the Council were not unreasonable in reaching their conclusion and issuing the notice.

4. The Council's reasons for issuing the enforcement notice (the notice) set out in the notice are complete, precise, specific and relevant to the development. In their correspondence with the appellant prior to the issuing of the notice, the Council explained their concerns and why they considered a breach of planning control had taken place. These reasons were adequately substantiated by the Council in its evidence.

5. As evidenced in the correspondence between the parties as submitted by the Council, the Council were concerned the requisite 4 year period of immunity was fast approaching for them to take enforcement action. Therefore, in this regard, they were not unreasonable in issuing the notice when they did.

6. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

A Walker

INSPECTOR