



Costs Decision

Site visit made on 10 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

**Costs application in relation to Appeal Ref: APP/Y3425/W/24/3338559
Barn 5, Burston Cottage Farm, Lichfield Road, Burston, Stafford,
Staffordshire ST18 0DP**

- 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 Harrowby Estates for a full award of costs against Stafford Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Paragraph W.(11)(c) of the Town and Country Planning (General Permitted Development Order) (GPDO) affords the Council 56 days from when an application is made for prior approval for development proposed under Class Q, to notify the applicant as to whether prior approval is given or refused. Article 7 of the GPDO allows for the decision to be made within a longer period agreed by the applicant and the Council in writing.
4. The applicant's case is that Stafford Borough Council acted unreasonably as the application was not determined within the specific time period with agreed extensions of time in compliance with the regulations.
5. It was agreed in writing to extend the 56 day period in order for the applicant to submit a Transport Statement. A further extension of time to consider the application was agreed in writing. This extended the time period to 10 August 2023. However, no decision was formally reached by this date and no decision notice was issued.
6. Whilst delays may in part have been due to additional information being submitted by the applicant, agreements to extend the time period were agreed in writing between the Council and the applicant. This is reasonable. However, not determining the application within the agreed time period is unreasonable and contrary to the provisions of the GPDO.

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7. The Council have suggested that the proposal cannot be commenced as the approved access has not yet been constructed, and that the boundary lines of the application has changed. However, these issues do not relate to the costs application in relation to the applicant incurring unnecessary expense as a result of the appeal.
 8. As indicated within the appeal decision, it is outside the remit of this appeal to consider the submitted evidence in respect of whether the development complies with other applicable limitations and conditions imposed on the planning permission granted via Article 3 and Class Q of the GPDO.
 9. As a result of the non-determination of the application, the applicant has sought specialist advice, and instructed consultants to make the appeal on their behalf. In doing so, the applicant incurred unnecessary expenses.
 10. For the reasons given above, unreasonable behaviour resulting in unnecessary expense during the appeal process has occurred and a full award of costs is therefore warranted.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Stafford Borough Council shall pay to Harrowby Estates the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Stafford Borough Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L C Hughes

INSPECTOR