



Costs Decision

Site visit made on 4 November 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Costs application in relation to Appeal Ref: APP/C3430/W/24/3342944 Land adjacent to Mile Flat House, Mile Flat, Greensforge DY6 0AU

- 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 Jason Round for a full award of costs against South Staffordshire District Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings and erection of 5 no. dwellings with associated parking and garden areas with foul treatment plant without complying with a condition number 5 attached to planning permission Ref 21/00058/FUL, dated 22 April 2021.
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Decision

1. The application for an award of costs is refused.

Preliminary Matters

2. The costs application submitted by the applicants does not expressly state whether a full or partial award of costs is sought. However, by reason of the information contained within the costs application, I have interpreted the application as being as an application for a full award of costs, and I have considered the costs application on that basis.

Reasons

3. 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.
4. The applicant contends that the Council has demonstrated unreasonable behaviour by failing to have regard to the PPG which, is argued, indicates that permitted development is not inappropriate development. Notwithstanding the fact that permitted development rights have not been withdrawn in total or in part in the Green Belt in the GPDO, I am satisfied that the Council have had due regard to the PPG in assessing the appeal proposal, as demonstrated in the Officer Report. The Council assessed the proposal to remove condition 5 under the six tests set out in the PPG to conclude that there was clear justification for the removal of permitted development rights in accordance with paragraph 54 of the National Planning Policy Framework (the Framework).
5. The applicant alleges that the Council has demonstrated unreasonable behaviour by failing to take account of relevant appeal decisions¹ that they should have been aware of and highlighted to them by the applicant. However,

¹ APP/C3430/W/21/3278321 and APP/C3430/W/21/3278322.

the Council do not consider those appeals to be relatable to the appeal case as they are materially different. The Council also notes that the Inspector in those appeals determined that the condition in dispute was necessary and reasonable to ensure that development under Class A Part 2 of the GDPO would not harm the character and appearance of the area and the openness of the Green Belt. I have no reason to disagree the Council's view.

6. The applicant argues that the Council failed to ensure that the reasons for condition 5 as set out in the Decision Notice for the approved scheme² were full and complete, and that the Council now seeks to introduce an additional reason for the condition to justify the refusal of the appeal proposal. The reasons given for condition 5 as set out in the Officer Report and Decision Notice relating to the proposal are different to the reason given in the Decision Notice for the approved scheme which only refers to the site being within Green Belt where there is a presumption against inappropriate development. However, the Council may argue that the condition is necessary for different or additional reasons. Regardless of the reason for the condition, it is clear from the evidence before me that the imposition of the condition itself rather than the detailed wording of the reason for the condition is the main issue.

Conclusion

7. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

U P Han

INSPECTOR

² 21/00058/FUL.