



Costs Decision

Site visit made on 5 November 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Costs application in relation to Appeal Ref: APP/Y3425/W/24/3342492 Land rear of 66 Mount Road, Stone, Staffordshire ST15 8LJ

- 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 Sarah Tolley for a full award of costs against Stafford Borough Council.
 - The appeal was against the refusal of planning permission for a new dwelling on land off Whitebridge Lane, Stone
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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. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The applicant alleges that the Council acted unreasonably in reaching a delayed decision with no agreed extensions of time, asking for a hypothetical design of a dwelling and arboricultural report and considering matters outside the scope of the outline application as it was proposed.
4. The Council in their response have outlined the factors which led to the delay, including changes in planning officers and mutually accepted delays caused by dialogue between the parties and the submission of further information. However, there is no information on the progress of the application between the validation date of 18 July 2022 and the beginning of 2023. An additional delay occurred due to additional information not reaching the appropriate person in a timely manner. Further delays appear to have taken place when the case officer who determined the application took over the case. These delays have caused stress to the applicant and their family.
5. Although the application was in outline with only scale and access to be determined, due to the presence of a protected tree on the site an arboricultural report was necessary to establish the spread of the tree canopy and extent of the Root Protection Area (RPA) to ensure that any development would not harm the long-term health of the tree. The illustrative plans for the location of the proposed dwelling were also necessary to determine whether a dwelling could be located in such a way as to avoid the RPA and be appropriate

in its setting even though the application as made in outline. I do not consider this to be unreasonable behaviour by the Council.

6. The applicant was inconvenienced for the delay in determining the application. It is regrettable that this caused a deal of stress. It would certainly have been helpful for the Council to have kept the applicant up to date and/or agreed extensions of time for the scheme's determination. Be this as it may, a successful application for costs relies on satisfying a two stage test so even if the Council's lack of assistance were to be considered unreasonable, which I remain to be convinced it was, it is difficult to see how the delays have led to unnecessary or wasted expense for the applicant.

Conclusion

7. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not justified. It is therefore hereby refused.

H Senior

INSPECTOR