



Costs Decision

Site visit made on 2 December 2024

by **L Clark BA(HONS) DIPTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Costs application in relation to Appeal Ref: APP/X1355/W/24/3351666

St Cuthbert's RC Social Club, Lumley Terrace, Chester le Street, Durham DH3 3NQ

- 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 North Heights Ltd for a full award of costs against Durham County Council.

The appeal was against the refusal of planning permission for change of use from Social Club (Class E) to a Residential Institution (supported living) (Class C2) together with associated demolition and fitting out works.

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 appellant claims the Council have behaved unreasonably in its refusal in making vague, generalised and inaccurate assertions about the proposal's impact, unsupported by objective analysis, thus resulting in the appellant incurring unnecessary expense.
4. I have found that the appellant did not provide an agreement in advance of its proposal from Durham Constabulary (DC). I have also found that without formal comments from DC its reliance on crime statistics contained within the Freedom of Information request (FOI) provided a useful tool to demonstrate the current crime and anti-social behaviour levels within Chester-le-Street (CLS). Given that these were supplied by DC the weight the Council applied to the data was proportionate. The Council was therefore clear in its assessment and articulation of its first main issue.
5. Whilst I came to a different conclusion with regard to the fear of crime, the Council did refer to specific evidence of crime within CLS supplied by DC to support their concerns. As such, based on that evidence it does not follow that it was vague, generalised or inaccurate. Therefore, I do not find that the Council acted unreasonably within the meaning of the PPG.
6. Having had the application refused, the applicant exercised his right of appeal. As the Council did not act unreasonably, it has not caused the applicant to incur unnecessary or wasted expense in the appeal process.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for costs is refused.

L Clark

INSPECTOR