



Costs Decision

Site visit made on 29 January 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Costs application in relation to Appeal Ref: APP/X1355/W/24/3351744 44 Claypath, Durham DH1 1QS

- 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 Gurpreet Jagpal of Dartford Students for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission to convert ground floor office into a 2 person house for student accommodation.
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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.
3. The PPG goes on to advise that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. This could be the expense of the entire appeal or other proceeding or only for part of the process.
4. Both parties have submitted their cases in writing, so there is no need to repeat them here.
5. The Council's planning committee refused the planning application despite the officer's recommendation for approval. The determination of planning applications by committee is a well-established democratic process, and committees are entitled to depart from their officers' recommendations. Doing so does not, in itself, constitute unreasonable behaviour.
6. The committee minutes indicate that much of the discussion focussed on certain Members' mistaken belief that the proposal was for a house in multiple occupation (HMO). However, the development was not refused for this reason.
7. Instead, the development was refused on the grounds of harm to the living conditions of nearby occupiers and impacts on social cohesion. The reason for refusal specifically referenced its use as student accommodation, as set out in the description of the proposed development given on the application form.
8. Although the description referred to student accommodation, my accompanying appeal decision found that the unit would, to all intents and purposes, be a

conventional Class C3 dwelling. Whilst it could be occupied by up to two students living independently, this is no different to any other standard Class C3 dwelling.

9. Reaching this finding required an element of planning judgement. The planning committee, however, appears to have taken a more literal approach, focussing on the explicit reference to student accommodation in the description. Based on their own experiences and those of interested parties in the area, Members concluded, through their own planning judgement, that further development of this nature would be harmful. Given this context, despite the officer's recommendation and the lack of objection from statutory consultees, this reason for refusal was not entirely without merit. Furthermore, the Council's statement of case adequately substantiated the reason for refusal at the appeal stage, as required by the PPG.
10. In allowing the appeal, I ultimately reached a different conclusion than the Council. However, whilst I disagreed with the reason for refusal, I am not convinced that it was based on vague or generalised assertions about the proposal's impact. I am therefore satisfied that the reason for refusal was properly substantiated and did not meet the PPG criteria for unreasonable behaviour.

Conclusion

11. Based on the details before me, I find no evidence to demonstrate that the unreasonable behaviour of the Council has resulted in unnecessary or wasted expense during the appeal process. The application for an award of costs is therefore refused.

P Storey

INSPECTOR