



Costs Decision

Site visit made on 25 February 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Costs application in relation to Appeal Ref: APP/C3430/W/24/3350272

Nurton Ridge, Hollies Lane, Pattingham, Staffordshire WV6 7HJ

- 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 S Walker for a full award of costs against South Staffordshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for outline application with all matters reserved other than scale and access for 1no. detached dwelling accessed via existing track from Hollies Lane.
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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 provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters, such as providing information that is shown to be manifestly untrue or inaccurate, or deliberately concealing relevant evidence. It also includes substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, or failure to provide evidence to substantiate the reasons for refusal.
4. The application for costs relates to the alleged failure of the council to appropriately follow policy and that it has made decisions based on the precedent of other planning decisions.
5. Planning and appeal decisions are a material factor in the determination of planning applications. Whilst each application must be assessed on its own merits, weight can be given to previous decisions by a decision maker in the planning application process. In this instance, these decisions were to refuse planning permission by several Planning Inspectors where an appeal site was deemed to be in an unsuitable location. In these decisions, conflict was found with policy and the Council does appear to have used these decisions to further understand what may not be deemed as a suitable location despite their previous decisions in similar locational circumstances to the appeal site.
6. In my assessment of the proposal, I found that the proposal was contrary to Core Policy 1 of the South Staffordshire Local Plan Core Strategy Development Plan

Document 2012 and therefore, harm would result. However, during the appeal, I found that the proposal would boost the low supply of housing, and therefore the harm of the unsuitability of the site location would not significantly and demonstrably outweigh this particular benefit of the scheme.

7. The applicant has suggested that other decisions indicate that a different decision should have been made by the Council. Nevertheless, these decisions do not necessarily suggest that those examples should inevitably be followed due to the harm from the conflict in policy. As such, I do not find that the Council has made an error in this assessment of the scheme against the development plan for this particular application. This is a matter of planning judgement which has been reached through the application of planning policy and in this case, the material considerations of recent planning appeal decisions. In addition, it must be noted that an important factor in my consideration of the planning balance was the deterioration in the housing land supply in South Staffordshire since the appeal was lodged.
8. Whilst all parties may not agree on the outcome of the planning application, I consider that the Council has considered the application based on the evidence before it, through following the development plan and the application of material considerations. The evidence does not lead me to conclude that the Council has acted unreasonably.
9. To conclude, I am not persuaded that the local authority acted unreasonably in the substantive matters raised above. As such, unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs on this issue is not justified.
10. For this reason and taking into account all other matters raised, the application for costs is refused.

J Smith

INSPECTOR