
Costs Decision

Site visit made on 31 March 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Costs application in relation to Appeal Ref: APP/Y3425/X/24/3347957

New Inn Bank Farm, New Inn Bank, Bishops Offley, Stafford, Staffordshire ST21 6HD

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Dan Bolton for a full award of costs against Stafford Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for 'New garage/outbuilding for domestic use. Garage to measure 10m x 6m. Siting is shown on site and block plans. Soakaways will be used for the removal of surface water. Flat roof, no more than 2.5m from external ground floor level. Side extension off the original dwelling. Extension to measure 6m x 3.1m. Proposals do not extend beyond 50% of the width of the original property. Eaves and ridge to match existing. Eaves 2.5m and ridge 3m.'
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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 Council failed to give notice within the prescribed period of a decision on the application for a certificate of lawful use or development (LDC). Despite additional information being presented to the Council, the appellant felt that they were left with no option other than to lodge the appeal.
4. The Council's reasons for why they would have refused the LDC application, had they retained the jurisdiction to do so, are complete, precise, specific and relevant to the application. It provides reasoning as to why they consider the appellant's evidence to be insufficient. Whilst I appreciate the applicant does not agree with the Council's consideration of the development, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have caused unnecessary or wasted expense in the appeal.
5. Whilst I have not concurred with the Council's view, I do not consider that they failed to adequately consider the evidence.
6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

A Walker INSPECTOR