



Costs Decision

Site visit made on 4 March 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Costs application in relation to Appeal Ref: APP/B3410/W/24/3352892

Field North Of Chapel Lane, Rangemore, Burton-on-Trent DE13 9RR

- 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 on behalf of The Burton Property Trust against the decision of East Staffordshire Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 9 dwellings and associated garaging and parking (including local needs housing and first homes) and construction of vehicular access and package treatment plant.
-

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. In summary, the applicant claims that the Council has acted unreasonably by refusing an application that the Council Officer's recommended for approval and that members were minded to allow. The applicant claims that the delay in the Council providing a draft legal agreement, following the first committee meeting, resulted in the decision being delayed. A complaint was then received from the Parish Council and ultimately the decision was taken back to members and refused.
4. From the evidence before me the delay in the legal agreement was not wholly on the part of the Council as the applicant did not agree to pay the Council Solicitor's fees until at least two months after the first committee meeting. Moreover, I have no compelling evidence that the legal agreement would have been completed before the complaint from the Parish Council had been received.
5. The Council has provided evidence of their consideration of the complaint and reasoning for taking the application back to committee members to reconsider. Members of the Planning Committee are not duty bound to follow the advice of officers or duty bound to place the same weight on the effect on the Conservation Area as officers. Furthermore, they were also entitled to reconsider other matters, providing they had clear reasons to do so. The applicant's quotes of the meeting recording indicate members had other concerns, some of which were dealt with by officers at the meeting. Nevertheless, the members remained concerned about the effect of the development on the Conservation Area and that this harm was not

outweighed by the benefits of the scheme. Members were also concerned that the scheme was not consistent with the development strategy for Rangemore.

6. The Council's statement of case and response to the costs application set out the reasons why the development was not acceptable, when considered against the development plan and neighbourhood plan. The Council has clearly set out the justification for both reasons for refusal and related the concerns to relevant development plan policies.
7. For these reasons, I have found that the Council had reasonable concerns about the proposed development which justified its decision. The applicant had to address those concerns and, consequently, the appeal could not have been avoided. I therefore have no substantive evidence that the Council has acted unreasonably in the appeal. As such, there can be no question that the applicant has incurred unnecessary or wasted expense.

Conclusion

8. For the above reasons, I find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated, thus the award of costs is not justified.

K Townsend

INSPECTOR