



Costs Decision

Site visit made on 3 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Costs application in relation to Appeal Ref: APP/W0734/D/24/3357554

27 Maltby Road, Thornton, Middlesbrough TS8 9BU

- 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 Middlesbrough Council for a full award of costs against Mr Alan Feasby.
 - The appeal was against the refusal of planning permission for detached garage.
-

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. To justify an application for costs, the PPG requires clear evidence demonstrating how alleged unreasonable behaviour has resulted in unnecessary expense. This could relate to the entire appeal or only part of the process.
4. The PPG sets out examples of behaviour that could lead to a substantive award of costs against an appellant. One such example is where the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable, and circumstances have not materially changed in the intervening period.
5. The current application for costs is made on this basis. The Council argues that the appeal site has been subject to two recent dismissed appeals for similar proposals. It is therefore contended that this appeal process is wholly unnecessary and represents wasted time and expense.
6. Both previous appeals involved a detached garage on a site comparable to that of the current appeal, raising similar main issues. The earlier appeal proposed an access point similar to that of the current scheme, whilst the later appeal sought to use a different, existing access to the front of the site. In both cases, the garages proposed were larger than the subject of the current appeal.
7. As outlined in my accompanying appeal decision, I have determined the appeal against the specific evidence submitted in this case. Whilst I have reached a conclusion similar to that of the Inspectors in the two previous appeals, there are notable differences in the scale of the proposals. The current appeal is also

supported by additional evidence, particularly relating to highway safety. Although I have ultimately determined that this evidence was insufficient to lead me to a different conclusion to that of the previous Inspectors, I was nevertheless required to consider these details and weigh the evidence in reaching my decision.

8. Accordingly, I am not convinced that the current proposal is so closely aligned with the previous dismissed schemes that it would amount to effectively redetermining those cases.
9. For these reasons, I do not find that the grounds outlined in the costs application amount to unreasonable behaviour, as set out in the PPG.

Conclusion

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

P Storey

INSPECTOR