



Costs Decision

Site visit made on 30 April 2025

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2025

Costs application in relation to Appeal Ref: APP/Y3425/W/24/3357145

Land adjacent to 26 St Peters Gardens, Mossfit, Stafford.

- 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 Stafford Borough Council for a full award of costs against Key Developments (Midlands) Limited.
 - The appeal was against the refusal of the Council to grant subject to conditions planning permission for demolition of existing garages and erection of 2no assisted living bungalows (use Class C3b).
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Decision

1. The application for a full 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 contend that the appeal proposal is not materially different to the recently dismissed appeal, ref APP/Y3425/W/24/3341210 and that the context of the appeal site and relevant national and local planning policy has not altered in the intervening time since such appeal decision. As a consequence, the Council refers to the PPG which sets out that an appellant may be at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding.
4. The appeal proposal is different to the previous appeal proposal. The proposed description of development differs slightly and the location of the gates leading to the adjacent assisted living development is to remain in situ, and so the appeal development would be outside, rather than within this gated development. Additionally, the position and evidence regarding the previously served Community Protection Warning (CPW) has changed since the previous appeal decision. Most notably, the CPW was not renewed after its review period and no subsequent Community Protection Notice (CPN) was issued.
5. The Council has set out within its evidence that there have been fewer complaints regarding anti-social behaviour in regard to the adjacent assisted living development in the intervening period since the previous appeal decision. Additionally, due to the location of the proposed bungalows outside the gated area, the future occupiers of the new properties would have a greater level of independence and less complex care needs. Consequently, it is asserted by the appellant that the needs of the future residents of the proposed development would be different to that of the occupiers of the existing assisted living bungalows and

that considered as part of the previous scheme. This would likely have a bearing on the potential for anti-social behaviour caused by any future residents of the new development. Such matters are material considerations which I have taken into account in reaching my decision on the appeal.

6. It is at the appellant's discretion whether or not to pursue Judicial Review in relation to the previous appeal decision following their Pre-Action Protocol letter. Although, their actions in relation to such does not negate them pursuing a further planning application and appeal. Furthermore, the appellant highlights that the previous Inspector's decision gave importance to the location of the entrance gates in relation to the intensification of the use of the existing assisted living development. This resulted in the proposed different position of the gates and subsequent evidence submitted as part of the current appeal scheme.
7. In view of the above, I find the actions of the appellant in submitting the appeal scheme has not amounted to unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance in this instance. Therefore, an award of costs is not justified.

C Billings

INSPECTOR