



Costs Decision

Site visit made on 6 May 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Costs application in relation to Appeal Ref: APP/X1355/W/25/3358613

St Aiden's House, High Street, Willington, Durham DL15 0PE

- 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 Arya Samadi, on behalf of ASRE Global Limited, for a full award of costs against Durham County Council.
 - The appeal was against the grant subject to conditions of planning permission for change of use of existing building to a dwellinghouse with ancillary workspace including external alterations.
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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. Local planning authorities are required to behave reasonably in relation to procedural matters at the appeal and with respect to the substance of the matter under appeal. Examples of unreasonable behaviour may include vague, generalised or inaccurate assertions about a proposal's impact; providing information that is shown to be manifestly inaccurate or untrue; or imposing a condition that does not meet the tests for planning conditions set out in Paragraph 57 of the National Planning Policy Framework (the Framework).
4. The applicant for costs contends that the Council has behaved unreasonably and provided factually inaccurate information throughout the course of the appeal, including in relation to ownership certificate requirements, the dates that the existing windows were installed, and the imposition of conditions and a section 106 agreement that conflict with the previous enforcement decision and the Framework.
5. In the first instance, it should be noted that costs can only be awarded in relation to unnecessary or wasted expense at appeal. It will be seen from my decision that I agree with the Council's judgement with regard to the substance of the matter under appeal and I consider there were sufficient justification for imposing condition Nos 2 and 4. The appellant entered into the legal agreement of their own accord, and there is no basis for appealing against or withdrawing from this at this stage. I therefore do not find that the Council has acted unreasonably in substantive terms. As such there can be no question that the applicant was put to unnecessary or wasted expense as a result.

6. In terms of ownership certificate requirements, guidance contained in the PPG indicates that the land at the front of the site, which is not owned by the applicant but that provides access to on-site parking, should be included in the red line. It is thus not unreasonable for the Council to have sought its inclusion, and there is no compelling evidence that the Council provided inaccurate information or sought to mislead in this regard.
7. The evidence indicates that the applicant is not aware of who owns this parcel of land, in which case it is a legal requirement that they complete ownership certificate D and publicise the application, in line with the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). There can therefore be no question that the applicant was put to unnecessary or wasted expense in doing so.
8. While I note the applicant's comments in relation to alleged dates that the front elevation windows were reportedly fitted, and the conduct of the Council in its enforcement investigations, it is not clear how this has resulted in unnecessary or wasted expense for the applicant in this appeal process.

Conclusion

9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR