
Costs Decision

Site visit made on 1 July 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Costs application in relation to Appeal Ref: APP/X1355/W/25/3364302

21 Tudhoe Lane and land to the north, Spennymoor DL16 6LL

- 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 Pamur Co Ltd for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for outline application for the demolition of 21 Tudhoe Lane and erection of up to 7 residential self-build plots including access (all other matters except access reserved).
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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 applicant is seeking an award of costs on the basis of the information presented to the members of the planning committee, the role and judgement of one of the committee members, and reference to another planning application and appeal in the area. The PPG makes it clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications.
4. The applicant suggests that committee members were given a false and misguided representation of the relationship of the site to Tudhoe on the matter of coalescence between settlements. The Council's assessment of this is set out within the officer report and further within their statement of case. The planning committee was shown relevant plans, an aerial photograph, and the committee minutes highlight that members had the benefit of a site visit before the decision was made.
5. Members of the committee made a decision on this aspect based on their own planning judgement given the location of the proposed development and having regard to the information before them, including representation at the meeting from the applicant's agent. Whilst there is a difference of opinion between the parties on this planning judgement, I do not find that the members were given a false and misguided representation of the matter.

6. The applicant suggests that errors were made in the presentation to the planning committee with reference to conflict with policies of the County Durham Plan (2020) (the CDP) and that were not included in the reasons for refusal. In response, the Council states that Policies 6 and 10 would not be complied with and therefore it is not misleading. The Council's officer report set out the more detailed assessment of the application against these policies and relevant material considerations, and this acknowledges the criteria of Policy 6 that the proposal was compliant with.
7. Despite reference to CDP Policies 39 and 44 in the committee presentation, these were not included within the reasons for refusal in either the officer report or the subsequent decision notice. The Council has not sought to advance a case that there is conflict with these policies as part of the appeal and has identified and substantiated where there is conflict with CDP Policies 6 and 10. This is what the committee members made their decision on, as clearly set out in the decision notice. I have also found that there would be conflict with these policies in my accompanying decision.
8. Whilst there may be some confusion regarding the reference to policies, the Council has made its decision on the basis of the reasons for refusal set out in the report and the decision notice. As highlighted by the Council, the committee presentation slides are intended as a brief overview of the planning application and are not a substitute for the more detailed officer report.
9. The applicant raises a concern regarding the role of one of the committee members. Their role as a Town Councillor was declared at the meeting as shown within the minutes. I have nothing before me to demonstrate that their judgment was not impartial or that this resulted in unreasonable behaviour. If the applicant has any concerns about the conduct of elected members, that would be a matter to raise directly with the Council.
10. The applicant is concerned with reference in the committee meeting minutes to an application that was refused and dismissed on appeal for 36 dwellings on a site to the west of Attwood Terrace¹. This is also referred to in the officer report and the Council highlighted the difference in scale. The Council states the application was assessed on its own individual merits. It is not unreasonable for reference to be made to other planning applications within an area where there may be similar issues relevant to a proposal, either within an officer report or in discussions at a committee meeting. In this instance, officers highlighted the difference in scale, and this would also have been apparent to the committee members when exercising their judgment and determining the application.

Conclusion

11. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

N Armstrong

INSPECTOR

¹ Appeal Decision ref APP/X1355/W/21/3289081, dated 10 February 2022