



Costs Decision

Site visit made on 17 July 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Costs application in relation to Appeal Ref: APP/H4505/W/25/3365799 Maingate Kingsway North Car Park, Team Valley Trading Estate, First Avenue, Gateshead, NE11 0BE

- 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 Fastned UK Ltd for a full award of costs against Gateshead Metropolitan Borough Council.
 - The appeal was against the refusal of the Council grant planning permission for the “installation of 8no. Electric Vehicle (EV) charging spaces and associated ancillary works”.
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Decision

1. The application 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. I accept that the National Planning Policy Framework (the Framework) emphasises the value of pre-application engagement but note also that it cannot be required nor is it compulsory.
4. From all of the evidence before me, not just that in the application for costs, it is clear that there is some antagonism between the applicant and the Council, particularly around the willingness or ability to meet, either before applications are submitted, or decisions made. That is unfortunate, and has somewhat dominated the evidence and on occasion, blurred the arguments being made by both parties.
5. The applicant alleges both procedural and substantive unreasonable behaviour on the part of the Council. Turning to the procedural elements set out in the application, I do not agree that the Council was procedurally unreasonable in the ways alleged during the course of the appeal. Their approach to the sharing of consultation responses, and indeed, to the management of amendments was justified, explained in detail and does not appear in itself unreasonable.
6. I do however agree that the Council has demonstrated the unreasonable substantive behaviour alleged in the course of the appeal.
7. This is clear from my decision, where I have found that most of the elements of the proposal found unacceptable by the Council in their decision were properly capable of being resolved through the imposition of conditions.

8. The final element to the Council's decision, the effect of the proposal on character and appearance, however, is of course one of planning judgement and was not capable of resolution through the imposition of conditions. Continuing to defend the decision at appeal on that basis was of course wholly reasonable.
9. Whilst I am satisfied that the behaviour of the Council was unreasonable, I am not satisfied that it led directly to unnecessary or wasted expense in the appeal process. The concerns of the Council, even those which I have now found capable of being resolved through the imposition of conditions, would have required work to address them to be done regardless of whether that was at application or appeal stage.
10. It is unfortunate that it took to the appeal stage for this to be clear, and for the applicant to know fully what information and evidence was required of them, but none of that work was unnecessary or wasted. Indeed, the evidence was all required for me to make my decision, as it would have been for the Council to make theirs.
11. Even then if those matters had been resolved prior to the Council's decision, it is not clear that an appeal could or would have been avoided, as the character and appearance issue was largely one of planning judgement.

Conclusion

12. I therefore find that whilst the Council did behave unreasonably, that unreasonable behaviour did not cause the applicant unnecessary or wasted expense in the appeal process.
13. The application is therefore refused.

S Dean

INSPECTOR