



Costs Decision

Site visit made on 28 July 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Costs application in relation to Appeal Ref: APP/X1355/W/25/3365731

Land West of Moor House Farm, Durham Lane, Easington, Durham SR8 3UL

- 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 Mr Colin Miller for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for proposed change of use of land to allow for the siting of 10no. camping pods and up to 10no. touring caravans and the erection of a shower and toilet block.
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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 PPG sets out the circumstances when the behaviour of a local authority might lead to an award of costs. These can either be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal.
4. The applicant contends that the Council have acted unreasonably during its handling of the planning application, specifically, inconsistency with regard to the Planning Officer indicating support, that there were delays from the Highway Authority and contradictions, together with a lack of transparency in its decision-making, which caused avoidable delay and unnecessary expense.
5. I acknowledge that email 55 states that the Council would be minded to recommend the application for approval, subject to conditions and the legal agreement, and sign off from management. However, even if the Council had sufficient information necessary to assess the proposal against County Durham Plan Policy 21, it still required the findings of the applicant's Geophysical Survey Report dated May 2023 to complete its S38(6)¹ duty. Email 60 follows email 24, clarifying that trial trenching could not be conditioned. Email 61 confirms that all necessary trenches had been completed, and the findings of the report were submitted on 4 December 2024. At this time, the Inspector's Decision (the Decision) with regard to Old Quarrington² had been issued.
6. Furthermore, prior to the Decision, the Council had reiterated its concerns to the applicant (emails Nos 33 and 38) with regard to the location of the proposed development and the level of detail submitted to date. I therefore do not agree that

¹ S38(6) of Planning and Compulsory Purchase Act 2004.

² APP/X1355/W/24/3347553

the Council have shown unreasonable behaviour in terms of obvious inconsistencies in its decision-making.

7. Moreover, following the Decision, the Council (email 62) requested further information from the applicant with regard to opportunities that could be exploited to make the location more sustainable, and what, if any, options have been considered and discounted. From the extensive communication, I have nothing to demonstrate that any evidence was provided to address the policy conflict, and, as such, I have no substantive evidence to show the Council has been inconsistent in its approach.
8. Whether or not the Council's Highway section was busy or under-resourced at the time is immaterial to the applicant and my assessment. The time it took to respond following the numerous requests by the applicant is disappointing. However, given that these comments were issued prior to the applicant submitting the findings of the trial trenching, does not demonstrate unreasonable behaviour on the Council's behalf. Having had the application refused, the applicant exercised their right of appeal.
9. The Council confirmed its intention to refuse the application in its email dated 18 March 2025, and within an email later the same day, the applicant formally requested that the Council determine their planning application. I have no substantive evidence to demonstrate that additional reports or surveys were undertaken after planning permission was refused on 28 March 2025 to aid their appeal.
10. I appreciate that the outcome of the application will have been a disappointment to the applicant. However, from the evidence before me, the Council was positive and worked proactively with the applicant. Given the above factors, I do not consider that the Council has acted unreasonably on procedural or substantive grounds.
11. As the application for a full award of costs has not succeeded based on the above conclusions, I have considered whether a partial award is justified. However, I have not identified unreasonable behaviour by the Council in respect of any particular aspect. Therefore, I conclude that a partial award of costs is not justified.
12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for costs is refused.

L Clark

INSPECTOR