
Costs Decision

Site visit made on 27 August 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Costs application in relation to Appeal Ref: APP/X1355/W/25/3369054

1 Coldstream, Ouston, Durham DH2 1LQ

- 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 Miss Leah Keenan for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for the conversion of one room in the property to a self-contained beauty salon.
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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 states that unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The applicant states that despite providing a Statement of Business which details the type of services offered and the number of clients they serve, the delegated report contains inaccurate and misleading information relating to the type of services offered (including claims that the business would use loud filing machinery), and the number of clients that would attend per day.
5. The applicant also states that the application was determined without a site visit to the beauty salon, which they state meant that the case officer was unable to understand that the proposed 'conversion' is easily reversible and would not impact the amenity of any future occupier. They further state that the above misinformation and lack of visit has negatively informed the Case Officer's ability to arrive at an appropriate decision on the application.
6. In response, the Council have accepted that the report contained a typographical error, but that the report when read as whole clearly states that the expected number of clients would be 5 per day, not 30. Therefore, they state that this small error did not affect their assessment of the proposal.

7. Whilst I understand that the Council did not enter the premises, they confirmed that a site visit did take place. Although I understand the applicant may not have been aware of this visit and may be disappointed that they did not enter the premises, I have not been presented with any substantive evidence that this amounts to unreasonable behaviour.
8. It seems to me that in this case there was a clear disagreement between the parties over the effects of the proposal. Nonetheless, I do not find that the decision to refuse the scheme was unreasonable. The Council set out their case clearly and subsequently defended it at appeal. I find nothing unreasonable in the way they acted in their determination of the planning application. Furthermore, the applicant was not put to any unnecessary or wasted expense in that respect either.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Lancaster

INSPECTOR