



Costs Decision

Site visit made on 2 September 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Costs application in relation to Appeal Ref: APP/B3438/W/25/3363739

Land Adjacent to Heatherview, Moorside, Werrington ST9 0LY

- 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 Mrs Woodall for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal to grant prior approval for an agricultural building.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals normally meet their own expenses. However, it goes on to state 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. Moreover, although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
3. Unreasonable behaviour in this context can be taken to be either procedural, relating to the process; or substantive, relating to the issues arising from the merits of the appeal. In this case, the allegations from the applicant are based on both substantive and procedural grounds. Paragraphs 047 and 049 of the PPG offer some examples of unreasonable behaviour by local planning authorities, albeit neither list is exhaustive. For the purposes of this application, this includes including failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. More specifically, the application for costs largely centres around the Council seeking evidence that the building was 'required' rather than 'reasonably necessary' for the purposes of agriculture. This is, on a plain reading, a more onerous test with a higher burden of proof. This also included questioning whether the applicant is actually a farmer, whether there is a viable business or trade, or whether the land is currently used for the purposes of agriculture.
5. As the applicant points out, the PPG advises that the prior approval process is deliberately light touch set against a planning application. I note the Council has not addressed this point in their costs response, although in its appeal statement of case the point is made that the different wording did not make a difference in how it determined the application.

6. However, to my mind it is clear that the Council has used a more onerous test to determine this matter. Something being 'required' would imply that the building would be absolutely essential rather than 'reasonably necessary' which suggests a more rounded and moderate assessment of what the building would be used for. Alongside the light touch approach to prior approvals in general, I find that this constitutes unreasonable behaviour.
7. The Council evidently failed to determine whether prior approval was required or notify the applicant of its determination of this matter within 28 days of receiving the application. However, it was not unreasonable that the Council did not go on to consider matters relating to prior approval having already considered that the proposal would not be permitted development. Furthermore, the fact that the decision was made after the required timescale is unfortunate but not unreasonable. As such, I do not find that this was unreasonable and necessitated an appeal if the proposal could have been carried out with deemed consent if the appellant considered that to be the case.
8. There are numerous other disagreements on facts, including miscalculating the overall size of the agricultural unit, whether suitable proof of agreements between the applicant and the landowner were submitted, whether the building was 'additional' or the only building on the unit, and the consultee response of the Parish Council to the proposal. I find these are relatively minor in and of themselves although it is clear that communication between the parties was irrevocably broken by the time that the application was determined. However, these all could have further contributed to the Council's overly onerous assessment of 'requirement' for the building and as such, given they are not necessary tests, further contributed to the unreasonable behaviour exhibited. The response to these further points is minimal from the Council and add to my concern that the proposal has not been assessed in accordance with the relevant section of the GPDO.
9. Accordingly, I find that the applicant has incurred unnecessary expense in the appeals process on these grounds as a result of unreasonable behaviour. Therefore, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Staffordshire Moorlands District Council shall pay to John Pointon and Sons Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Staffordshire Moorlands District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount

C McDonagh

INSPECTOR