



Costs Decision

Site visit made on 3 November 2025

by **A Hartley, LLB (Hons), Solicitor, MBA**

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Costs application in relation to Appeal Ref: APP/X1355/D/25/3374209
107 Greenways, Delves Lane, Consett, Durham DH8 7DJ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Susan Jeanette Underwood for a full award of costs against Durham County Council.
 - The appeal was against the refusal of the Council to grant planning permission for 'a retrospective application for timber fence to the perimeter'.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. 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. Paragraph 033 of the PPG indicates that whilst costs cannot be claimed for the period during determination of the planning application, behaviour and actions at the time of the planning application can be taken into account when considering whether or not costs should be awarded. All parties are expected to behave reasonably throughout the planning process.
4. The appellant is seeking a full award of costs on both procedural and substantive grounds.

Procedural Issues

5. Paragraph 047 of the PPG indicates that local planning authorities will be at risk of a procedural award being made against them for reasons including lack of co-operation.
6. It is alleged that at the application stage a Senior Council Officer overturned the case officer's recommendation without viewing the site, relying only on photographs. The Council has explained that the Senior Officer did not determine the application but provided guidance including pointing out relevant development plan policies and providing relevant appeal decisions to the Case Officer, following which the Case Officer, who had carried out the site visit, changed their initial view and recommended refusal. It is not unusual for Senior Officers to support and guide

other Officers in the department. Any advice given by an Officer prior to the determination of an application is informal only.

Procedural Grounds

7. The appellant states that the Council has not properly considered issues of security and privacy. I am satisfied that these matters were addressed in the Officer's Report. There has been no failure on the part of the Council to consider relevant material considerations. The weight attributed to those considerations is a matter for the relevant decision maker. It will be seen from my Decision that I have found the benefits of privacy and security would not justify the harm caused by the appeal development.
8. Drawing all of the above together, I do not consider that unreasonable behaviour on the part of the Council, on either a substantive or procedural basis has been demonstrated. It therefore follows that the appeal was not one that could have clearly been avoided. As a result, there has been no unnecessary or wasted expense in the process.

Conclusion

9. Consequently, I do not find the Council acted unreasonably. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not therefore been demonstrated. Therefore, having carefully considered the views of the parties, I conclude that unreasonable behaviour resulting in unnecessary expense has not been demonstrated in this case and an award of costs is not justified.

A Hartley

INSPECTOR