



Costs Decision

Site visit made on 14 October 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Costs application in relation to Appeal Ref: APP/X1355/W/25/3370478

Land in the west of Thinford Park, Thinford, Spennymoor DH6 5JQ

- 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 No Ordinary Estates Limited for a full award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission for the erection of 6no. retail units (Use Class E and Sui Generis) including one ancillary drive through and associated infrastructure and landscaping.
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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 the application was recommended for approval. However, the Planning Committee decided to refuse the application contrary to the officer recommendation. In refusing the application, the applicant states that the Council failed to attribute appropriate weight to the fallback position, which amounts to unreasonable behaviour. They further state that the reason for refusal which relates to the effect on the vitality and viability of Spennymoor Town Centre, which is an untenable position having regard to the extant scheme, which is for a larger development, that also included provision of office accommodation.
5. On this basis, the applicant contends that the Council acted unreasonably in reaching the decision that it did. They state that the decision to refuse the application has led to delays and additional costs being occurred in the preparation of the appeal and other costs as a direct result of the delays.
6. In response, the Council refer to the Planning Committee Minutes which demonstrate that, in reaching the decision, the Planning Committee had consideration for the benefits of the scheme, including the fallback position but

concluded that these did not outweigh the harm. The Council therefore states that the decision taken by members of the Planning Committee was a reasonable exercise of planning judgment and that the decision not to accept the Officer recommendation is not evidence of unreasonable behaviour in itself.

7. As established by the courts, the weight to be given to a particular consideration is a matter for the decision maker's discretion. Whilst the amount of weight given to this material consideration might differ from my own assessment. Based on the evidence before me, it is clear that the Council treated it as a material consideration.
8. For the reasons mentioned above, whilst I sympathise with the applicant due to the decision being contrary to that of the Council's planning officer recommendation. I am satisfied that the Council has not behaved unreasonably in concluding in the way it has through the Council's planning committee exercising its planning function.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a full award of costs is therefore not warranted.

K Lancaster

INSPECTOR