



Costs Decision

Site visit made on 2 December 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Costs application in relation to Appeal Ref: APP/A4520/W/25/3367464

Land and buildings at Cleadon Lane Industrial Estate, Cleadon Lane, East Boldon Easting: 437176 Northing: 561838

- 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 Avant Homes for a full award of costs against South Tyneside Council.
 - The appeal was against the refusal of planning permission for the demolition of existing buildings and erection of 202 residential units (Use Class C3) including vehicular access from Cleadon Lane, associated infrastructure and landscaping.
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Decision

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

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 respondent took a considerable amount of time to determine the planning application, with at least some of the delay appearing to be attributable to awaiting the publication of the final Ofwat enforcement report. As it transpires, they did not actually wait for that final report to be published before refusing planning permission. The application was presented to Planning Committee on two occasions, both times with an Officer recommendation to grant planning permission. Whilst the Planning Committee is not bound to follow the recommendations of their Officers, the respondent has not defended its sole reason for refusing planning permission.
4. They have therefore failed to produce evidence to substantiate their reason for refusal on appeal. Furthermore, as will be evident from my findings in my decision letter, as a consequence of their refusal there can be no doubt that the respondent has delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Both are examples of unreasonable behaviour referred to in the PPG, and they have meant that the applicant has incurred unnecessary expense in having to pursue an appeal in order that their proposed development can proceed.
5. I acknowledge that the respondent revised their position following their refusal of planning permission in that they have not sought to defend their decision. They refer to the final Ofwat report and the Whitburn Lodge appeal decision and cost

decision¹ as being material considerations which have led them to that course of action. This may have avoided some costs which would have otherwise been incurred by the applicant in the appeal process and potentially minimised any further delay, but it does not overcome or justify the unreasonable behaviour that I have identified above and the impact that it has had.

6. 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

7. 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 South Tyneside Council shall pay to Avant Homes, 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.
8. The applicant is now invited to submit to South Tyneside 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.

Graham Wraight

INSPECTOR

¹ APP/A4520/W/25/3365110