
Costs Decision

Site visit made on 6 January 2026

by **K Lancaster BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2026

Costs application in relation to Appeal Ref: APP/X1355/W/25/3374933

Plot 2, Land west of High Bradley Farm, Pithouse Lane, Medomsley DH8 6RN

- 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 Mr Brian Metcalfe for a partial award of costs against Durham County Council.
 - The appeal was against the refusal of planning permission to erect wall and gates to the entrance of the property,
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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. Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal. The applicant is seeking a partial award of costs on the basis that the Local Planning Authority (the LPA) acted unreasonably in relation to substantive matters. They state that they have failed to provide evidence to substantiate the second reason for refusal and that it is not a relevant development plan policy that should have been used to refuse the application.
4. Policy 10 of the County Durham Plan 2020 (the CDP) relates to development in the countryside, whilst Policy 13 of the CDP relates more specifically to equestrian development. Where applicable, these policies are intended to be read alongside each other and not necessarily in isolation. In this particular case, the second reason for refusal states that the proposal did not clearly demonstrate compliance with Policy 10 of the County Durham Plan in that it is development in the countryside and no justification has been provided as to how it meets either one of the exemptions listed within the policy, or how any of the other policies listed under Footnote 54 permit it. The LPA states that Policy 13 is not relevant in that the development applied for is not equestrian development.
5. The applicant fundamentally disputes this approach and considers that the proposal should have been considered against Policy 13 of the CDP as the land is in equestrian use. The applicant states that in failing to consider the proposal against Policy 13 of the CDP the LPA's assessment was flawed and they have

incurred unnecessary expense in preparing their response to the second reason for refusal at the appeal stage.

6. It is not disputed that the lawful use of the land is equestrian. However, the proposal sought planning permission retrospectively for the construction of walls and a gate along the north-west facing boundary of the appeal site. The LPA concluded that the development which was being applied for was operational development and wholly unrelated to equestrian development, with no justification provided. They further state that the lawful use of the land does not mean that all proposals should be considered under Policy 13 of the CDP simply based upon land use, and that Policy 10 of the CDP would have been a relevant policy in any case.
7. Whilst there is clearly a difference of opinion in terms of whether the proposal relates to the equestrian use of the land or not, this is a matter of planning judgement. The Council have substantiated their reason for refusal and clearly set out the reasons why the development is not acceptable. Furthermore, as set out in my appeal decision, even if the proposal was considered in the context of Policy 13 of the CDP, there is conflict with this policy by virtue of the scale, layout and appearance of the wall, gates and pillars which have been constructed at the appeal site causing harm to the character and appearance the area. Therefore, I find that the LPA have not acted unreasonably.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Lancaster

INSPECTOR