
Costs Decision

Site visit made on 8 January 2026 by A Morrison MTCP MRTPI

Decision by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2026

Costs application in relation to Appeal Ref: APP/H0738/D/25/3374802

19 Curlew Lane, Norton, Stockton-on-Tees TS20 1NB

- 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 Neil Shepherd for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for roof alterations, including raising of ridge height, gable end fenestrations, extension to provide second-floor accommodation and installation of roof lights.
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Decision

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

Appeal Procedure

2. A representative of the Inspector has set out the recommendation below to which the Inspector has had regard before deciding the costs application.

Reasons

3. The Government's Planning Practice Guidance (the PPG) advises that all parties in appeals are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
4. The applicant asserts that the Council behaved unreasonably by failing to take into account personal circumstances, and specifically, the Public Sector Equality Duty (the Duty) contained in section 149 of the Equality Act 2010 (the Act), as a material consideration when determining the application.
5. The Council does not dispute that it was provided with the information regarding the appellant's family circumstances and accepts that its delegated report failed to refer to its associated Duty under the Act. However, it also states that its Case Officer was aware of these matters, and that any weight afforded to them under the Act would not have been sufficient to outweigh the significant visual harm the proposed development would cause to the property and the wider streetscene. On this basis, the Council maintains that the refusal of planning permission was sound and justified.
6. Despite the Council's confirmation that it was aware of the appellant's family circumstances, its failure to address this issue in its delegated report means that the applicant has been left with no indication as to if, or how, the Council considered the particular needs of the children in coming to its decision. In this

respect, the delegated report is unsatisfactory, leaving uncertainty as to whether the Council had regard to the Duty as it was required to do in this case. That said, even if unreasonable behaviour has taken place, an award of costs can only be granted in circumstances where that behaviour has resulted in unnecessary or wasted expense at an appeal.

7. In this case, the Council has made its position clear that, even if it had properly explained its approach and the weight it attributed to the needs of the children, it would have refused the application. I have no reason to doubt this. Given this, an appeal, and the costs associated with it, would not have been avoided. Moreover, I agree with the Council's conclusion and have dismissed the appeal, for the reasons set out in my decision letter.
8. I have sympathy with the applicant's position, but in this case, unreasonable behaviour resulting in unnecessary expense has not been demonstrated. An award of costs is therefore not justified.

A Morrison

APPEAL PLANNING OFFICER

9. I have considered all the submitted evidence and my representative's report and on that basis an award of costs is refused.

R Morgan

INSPECTOR