
Costs Decision

Hearing held on 28 April 2026

Site visit made on 28 April 2026

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2026

Costs application in relation to Appeal Ref: APP/B3438/W/25/3375459

Land to the North of Moorside Farm, Eaves Lane, Stoke on Trent ST2 8LY

- 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 P Quinn for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal of planning permission for Change of Use of Land to a 2 Pitch Family Gypsy and Traveller Site.
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Decision

1. The application for an award of costs is partially 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. Paragraphs 047 and 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities.
3. I have had regard to the evidence provided by the occupant of Moorside Farm in respect of the barking dog, and I accept that the planning officer witnessed this during a site visit. However, the presence of noise, and any perceived aggression of the dog, do not in themselves amount to material planning harm. Critically, the written and oral evidence before me does not substantiate the Council's concerns to a degree that would justify a reason for refusal on noise grounds.
4. Furthermore, the Council acknowledged that it would be unreasonable to seek to control the private ownership of a dog, and I agree with that position. However, insufficient weight appears to have been given to this conclusion in the overall planning balance. Where noise arising from domestic pets were to amount to a statutory nuisance, this would more appropriately be addressed through separate regulatory regimes, rather than through the planning system. Consequently, I find that the Council acted unreasonably in refusing the application on this basis.
5. In respect of vehicle movements, the applicant clarified that their business involved two Transit vans and a small flatbed truck. While it is acknowledged that some degree of uncertainty exists regarding the future number and type of vehicles that may be kept on site, this is not uncommon in such cases. The suggestion that a

- condition restricting vehicles to a maximum of 3.5 tonnes could mitigate potential impacts was raised but not meaningfully considered or tested by the Council.
6. Similarly, the Council maintained that the proposal would result in a mixed use, with an unspecified level of activity associated with the applicant's driveway business. However, this position was not supported by clear evidence quantifying the likely scale or impacts of such activity. Instead, it relied on generalised concerns and assumptions about potential future operations, including early departures, late returns, and maintenance activities, without demonstrating that these would give rise to material harm. This approach fails to properly assess the proposal as described, which is for two traveller pitches rather than a business use. Consequently, there was a clear absence of objective or technical evidence demonstrating that the alleged noise impacts, whether from the dog or from vehicle movements, would give rise to material harm.
 7. The Council raised concerns regarding the proposed external lighting, citing the exposed nature of the site and potential impacts on neighbouring amenity and the rural character of the area. However, these concerns were not supported by substantive evidence. No technical assessment was provided to demonstrate the likely level or impact of illumination, and the alleged harm was expressed only in generalised terms. Reliance on assumptions about future activity does not amount to a robust evidential basis for refusal. The Council also failed to consider whether any potential impacts could be satisfactorily mitigated through the imposition of planning conditions. As such, the reason for refusal in regard to lighting was based on unsubstantiated concerns, resulting in the applicant incurring unnecessary expense to defend it.
 8. Overall, the Council's refusal on matters related to lighting, noise and disturbance was based on unsubstantiated assertions and a lack of evidential support, rather than a robust and objective assessment of harm. This amounts to unreasonable behaviour. In these circumstances, even though it is likely that an appeal would have been necessary based on my findings on other matters, unnecessary or wasted expense has occurred in respect of defending the reason for refusal in regard to the alleged harm to the living conditions of the occupants of Moorside Farm in relation to lighting, noise and disturbance, and a partial award of costs is therefore warranted.
 9. However, in regard to the other grounds for unreasonable behaviour, I do not find in favour of the applicant, for reasons which I will now set out.
 10. In regard to the matter of surface water drainage, the applicant ultimately provided surface water drainage proposals, supported by evidence from a drainage contractor but this was during the appeal process. The Council, after receiving this information, were then able to reach the view that the matter could be satisfactorily addressed by condition. I consider that the issue of surface water drainage was one which required to be addressed by the application and should ideally have been resolved at the application stage. The submission of this information during the appeal did not involve any undue or unreasonable expense for the applicant.
 11. The Council amended its position on the matter of Grey Belt within its appeal statement, which represented its first formal opportunity to do so during the appeal process. Notwithstanding this, the Council still had to assess whether the proposal satisfied the relevant criteria set out in paragraph 155 of the National Planning

Policy Framework (the Framework) (2024) to avoid being considered inappropriate development in the Green Belt, including whether the site constituted a sustainable location. I consider that this approach was reasonable, and I have reached the same conclusion on this issue. Whilst the applicant contends that an earlier review of this matter would have prevented significant parts of the appeal process, I am not persuaded that it would have avoided the need for the appeal as a whole. Accordingly, I find that no unnecessary or wasted expense has arisen in this regard.

12. Furthermore, in relation to the matter of previously developed land (PDL), the Council's officer report fully considered the evidence submitted by the applicant, including the Statement of Truth of Mrs Alison Smith. It was not unreasonable for the Council to reach a judgment, on the balance of probability, as to whether the site constituted PDL. I have again reached the same conclusion on this issue. Therefore, I find that no unnecessary or wasted expense has arisen in relation to this matter. In any event, even if the Council had accepted that the appeal site was PDL, it would still have been necessary, under the Framework, to consider whether the development would cause substantial harm to the openness of the Green Belt. That matter would remain in dispute and, therefore, the appeal would not have been avoided.
13. In respect of the allegation that the Council failed to give proper and reasonable consideration to the applicant's personal and medical circumstances, I do not agree that it acted unreasonably. The Council was aware of these circumstances from an early stage in the application process and had regard to them in determining the application. However, such personal considerations, whilst capable of being material, must be weighed in the overall planning balance alongside other factors, including development plan policies and site-specific impacts.
14. The Council was entitled to conclude that, notwithstanding the applicant's circumstances, these considerations did not outweigh the identified planning harm. This is a matter of planning judgement. There is no substantive evidence to demonstrate that the Council failed to have regard to the information provided, or that any alleged deficiency resulted in unnecessary or wasted expense during the appeal process. Accordingly, I find that the Council's behaviour does not meet the threshold of unreasonableness set out in the PPG on this particular matter.
15. In relation to the allegation that the Council prevented or delayed development which should clearly have been permitted, this is not agreed. The determination of the application involved a balanced assessment against the development plan, the Framework, and the Planning Policy for Traveller Sites (PPTS), taking into account all relevant material considerations. The Council identified clear areas of conflict with policy and exercised its planning judgement accordingly. The fact that the applicant considers the proposal to be policy-compliant does not, in itself, demonstrate that permission should 'clearly' have been granted. Nor does a disagreement in planning judgement amount to unreasonable behaviour. The issues raised, aside from the living conditions of Moorside Farm, were substantive and capable of supporting a reasoned refusal.
16. Therefore, it cannot be said that the Council acted unreasonably in resisting the proposal, nor that it caused unnecessary delay or expense. As such, these particular circumstances do not meet the threshold for an award of costs as set out in the PPG.

17. In response to the suggestion that the Council failed to determine similar cases consistently, particularly in relation to the appeal decisions cited by the applicant, I have already addressed this matter in my appeal decision. I identified a number of material differences between those cases and the development currently under consideration. These included variations such as some sites not being located within the Green Belt, the absence of dispute regarding sustainability in certain cases, improved access to public transport in others, and in one instance a less prescriptive Local Plan policy concerning access to services.
18. Given these differences, the cases are not directly comparable. It is a well-established principle that each application must be assessed on its own merits, having regard to its specific context and circumstances. Accordingly, I find that the Council was justified in reaching a different conclusion in this instance. I therefore do not consider that the Council has acted inconsistently or unreasonably in its decision-making.

Conclusion

19. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated, albeit limited to the applicant's defence of the alleged harm to the living conditions of the occupants of Moorside Farm in terms of lighting, noise, and disturbance. Consequently, a partial award of costs, to cover the expenses incurred by the applicant in addressing these matters, is warranted.

Costs Order

20. 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 Staffordshire Moorlands shall pay to Mr P Quinn the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in consenting the alleged harm to the living conditions of Moorside Farm in particular regard to lighting, noise and disturbance; such costs to be assessed in the Senior Courts Costs Office if not agreed.
21. The applicant is now invited to submit to Staffordshire Moorlands 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.

Laura Cuthbert

INSPECTOR