



Costs Decisions

Hearing held on 7 April 2009

Site visit made on 7 April 2009

by **Julia Gregory BSc (Hons) BTP MRTPI**
MCM1

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
30 April 2009

Costs application in relation to Appeal Ref: APP/H0738/A/08/2089002 Summerhill, High Lane, Maltby, Middlesbrough TS8 0BG

- 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 and Mrs J Wall for a full award of costs against Stockton-on-Tees Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for a first floor and single storey front/side extensions.

Summary of Decision: The application fails and no award of costs is made.

Costs application in relation to Appeal Ref: APP/H0738/A/09/2093845 Summerhill, High Lane, Maltby, Middlesbrough TS8 0BG

- 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 and Mrs J Wall for a full award of costs against Stockton-on-Tees Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for alterations and extensions to the dwelling including a sunroom extension to the side and the erection of a garage.

Summary of Decision: The application fails and no award of costs is made.

Costs application in relation to Appeal Ref: APP/H0738/A/09/2093849 Summerhill, High Lane, Maltby, Middlesbrough TS8 0BG

- 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 and Mrs J Wall for a full award of costs against Stockton-on-Tees Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for alterations and extensions to dwelling including sunroom extension to the side.

Summary of Decision: The application fails and no award of costs is made.

The Submissions for the Appellants

1. Written submissions were made at the Hearing, which can be summarised as follows. The applications were for the full award of costs in respect of all three appeals. The appellants considered that in respect of Appeal C the Council had insufficient reason not to adopt the recommendation of the officers to grant planning permission. In all three appeals, the development was acceptable in design terms. In respect of Appeals A and C, regarding residential amenity, the schemes accorded with advice in the Supplementary Planning Guidance and insufficient evidence was produced to substantiate the refusals. The Council

was inconsistent since no residential amenity reason for refusal was given in respect of Appeal B.

The Response by the Council

2. The Council contested the applications for costs. The Council had always been concerned about the effect that the proposals would have on the character and appearance of the area and living conditions. The decisions were consistent with a previous refusal of planning permission. Appeal B was being considered at the same time as Appeal C, and the members focussed on the character and appearance differences between the schemes, which is why there had been no reference to living conditions in the reasons for refusal.

Conclusions

3. I have considered these applications for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeals, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
4. Whilst the award of costs does not necessarily follow the event, and whilst I have agreed with certain points made by the appellants, I have dismissed all three appeals. It follows that I consider that there was sufficient reason to refuse all three schemes. Therefore, the appellants have not been put to unnecessary expense by unreasonable behaviour. The cases put forward by the Council were not so weak as to justify an award of costs.
5. I acknowledge that the reasons for refusal on Appeal scheme B do not refer to neighbours living conditions, but this appears to have been an oversight on the part of the Council. I consider that since the Appeal proceedings were combined with the other two appeals that there has not been any unnecessary expense caused in respect of this matter.

Formal Decisions

6. I refuse the applications for an award of costs.

Julia Gregory

INSPECTOR

DOCUMENT SUBMITTED AT THE HEARING

- 1 *Written costs submission on behalf of the appellants*