



## Costs Decision

Site visit made on 13 February 2015

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 23 March 2015

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### **Costs application in relation to Appeal Ref: APP/H0738/W/14/2223808 Land at Thorntree Farm and to the rear of 93 Bassleton Lane, Thornaby, Stockton-on-Tees TS17 0AQ**

- 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 T Howson for a full award of costs against Stockton-on-Tees Borough Council.
  - The appeal was made against the refusal of planning permission for residential development comprising the erection of two houses and six bungalows plus associated garaging and parking.
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### **Decision**

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

### **Reasons**

2. *Planning Practice Guidance* advises that costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
  3. It is alleged that the local planning authority behaved unreasonably in refusing the application without proper and substantive grounds. I found the Council's reason for refusal to be quite clear. Although taking a different view to the officers, the report to the Committee set out the considerations that needed to be taken into account, including the housing supply position and the planning history. It is clear from the minutes, that a range of issues were raised. A balance between the harm and the benefits of the proposal had to be considered and I have not found the Council's view to be unreasonable with regard to their conclusion.
  4. Reference has been made to a decision of the Secretary of State relating to a separate site. Although the cases have similarities, the balancing exercise and conclusions for each, have to be considered on their own individual merits. Reference was made to that decision in the officers report and I have no reason to believe that the Council did not have regard to it. Although I have been referred to other cases where permission has been accepted, I am not satisfied that the Council acted inconsistently when considering the particular merits of each proposal.
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5. I am not persuaded that the actions of the Council were unreasonable and they do not fall within any of the examples of unreasonable behaviour set out in the *Guidance*. I therefore do not find that unreasonable behaviour resulting in unnecessary or wasted expense has been demonstrated. An award of costs is not justified.

*Peter Eggleton*

INSPECTOR