



Costs Decision

Site visit made on 15 July 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Costs application in relation to Appeal Ref: APP/H0738/W/25/3364109

Land east of 232 Cotswold Crescent, Billingham TS23 2QN

- 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 M Leck for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 10 dwellings.
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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 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. In short, the applicant contends that the Council's planning committee acted unreasonably by refusing the planning application contrary to officer recommendation and without first identifying a sound planning reason. It is further claimed that the reason for refusal lacked technical support, and contradicted the advice of professional consultees. The applicant also raises concerns about the conduct of the committee meeting and the appropriateness of legal advice provided.
4. It is well established that elected members are not bound to follow officer recommendations, provided their decisions are based on reasonable planning grounds. In this case, the committee's concerns related to the impact of the proposed access arrangements on the living conditions of neighbouring occupiers, a legitimate planning consideration. While technical consultees raised no objections, planning decisions are not determined solely by technical compliance. The qualitative nature of residential amenity allows for differing professional and lay judgements.
5. The Council's appeal statement clearly set out the basis for its concerns, and these were ultimately upheld in the appeal decision. This demonstrates that the committee's reasoning was neither vague nor unsubstantiated. While the applicant criticises the manner in which the committee reached its decision, it is not uncommon for reasons to be clarified post-decision, provided they are ultimately based on sound planning grounds. The final reason was clearly expressed, capable of being defended at appeal, and supported by the appeal outcome. Legal advice

provided during the meeting was intended to ensure procedural compliance and does not indicate impropriety.

6. The applicant also alleges that the committee's decision was predetermined and politically motivated. This is a serious allegation that is not supported by the evidence presented. There is no indication that members acted outside the scope of their planning responsibilities. The committee was entitled to exercise its discretion and reach a decision contrary to officer recommendation, provided it did so on legitimate planning grounds, which it did.
7. In light of the above, I find that the Council did not behave unreasonably in refusing the application or in the manner in which the decision was reached. The concerns raised were legitimate, substantiated, and ultimately upheld at appeal. As such, no unnecessary or wasted expense has been demonstrated, and an award of costs is not justified.

A Caines

INSPECTOR