



Costs Decision

Site visit made on 8 April 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Costs application in relation to Appeal Ref: APP/H0738/W/24/3355724 Land Adjacent to Low Lane and Thornaby Road, Ingleby Barwick, TS8 0BW

- 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 & Mrs I & D J Snowdon for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of the Council to grant subject to conditions planning permission for up to 200 homes and including provision of a neighbourhood centre, multi-cultural centre, primary school, extension to Maltby Cricket Club, open space and means of access.
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Decision

1. The application for an award of costs is 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.
3. Paragraph 49 of the PPG, which sets out a non-exhaustive list of behaviour which may give rise to a substantive award against a local planning authority effectively details much of the Council's behaviour in respect to the substance of the matter under appeal.
4. The Council has, by refusing to grant outline planning permission in this case and then defending this appeal managed to demonstrate many of the behaviours in that list, such that it would be further wasted time to list them, beyond simply noting that they are set out in the applicant's claim for costs and the PPG.
5. Members are of course not bound to accept the recommendations of their Officers, and defending an appeal following the refusal of such a planning application is, of course, not unreasonable in itself.
6. However, if professional or technical advice is not followed, then reasonable planning grounds for taking a decision contrary to those recommendations need to be provided supported by relevant evidence.
7. The Council themselves acknowledge that this is a difficult task as the decision was taken on the basis of individual judgement, Members' own observations and knowledge. However, that does not absolve the Council of the need to produce, or even attempt to produce evidence to substantiate each reason for refusal, and give a clear, specific and accurate assessment of the impacts.
8. The Council did not do this in this case.

9. No substantial evidence was submitted to support the reasons for refusal, or properly explain why a development proposal for a site allocated in the local plan, clearly subject to developer interest, and adjoining occupied and under-construction parts of the same allocation was refused planning permission.
10. This behaviour is plainly unreasonable with respect to the substance of the matter under appeal, that is, a development on a site allocated for it in the development plan, and has clearly caused unnecessary or wasted expense to the applicant to the degree set out in their application.

Conclusion

11. The criteria for an application for an award of costs has two limbs. Firstly, a party must behave unreasonably. It has been established above that the Council did so.
12. The second limb of the test is that that unreasonable behaviour has caused unnecessary or wasted expense in the appeal process. I find that it is clear that it has. As a result of the actions of the Council the applicant has been put to the expense of submitting an unnecessary appeal.
13. I therefore find that the Council has demonstrated behaviour in their handling of the appeal which was unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense.
14. The application for a full award of costs should therefore be allowed.

Costs Order

15. 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 Stockton-on-Tees Borough Council shall pay to Mr & Mrs I & D J Snowdon the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. The applicant is now invited to submit to Stockton-on-Tees Borough 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.

S Dean

INSPECTOR