



## Costs Decision

Site visit made on 11 July 2023

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 July 2023**

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### **Costs application in relation to Appeal Ref: APP/H0738/D/23/3323603 51 Wallington Road, Billingham TS23 3UR**

- 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 Mrs Beverley Lowe 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 a 2m high close boarded fence to front, side and rear.
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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. The costs application is set out in writing. In summary, the applicant considers that the Council failed to consider and take account of the site-specific circumstances, including those that they had set out within their submission. Further, they failed to consult with the most relevant consultee, despite this being pointed out during the application process, which is inconsistent with the previous planning application. The Council also considered an irrelevant planning policy and failed to engage with the applicant during the decision-making process, despite the reasonable request to do so.
4. The Officer report that has been provided assesses the proposal in appropriate depth and it is evident that it is made on a site-specific basis. This includes reference to other fences in the locality which the applicant had highlighted. The Council did not consult with their Landscape Architect, however that consultee did not object to the previous application which was also refused planning permission. It is unlikely that their position would have changed in respect to the appeal application, and therefore I am not persuaded that, even if the consultation had been undertaken, it would have altered the Council's decision on the application.
5. Whilst a planning policy was indeed referred to in the assessment that does not relate specifically to the appeal proposal given that the policy in question is not directly relevant to development at a dwellinghouse, I am satisfied that the inclusion of this policy was not determinative on the outcome of the planning application. The National Planning Policy Framework requires a proactive approach however ultimately, in light of the Council's position on the proposal,

it is not likely that engagement with the applicant would have resulted in a different decision being made.

6. In conclusion, the Council did not act unreasonably in its determination of the planning application and in the decision that it reached, which was based on a reasoned assessment of the planning merits of the case. Whilst I have not found in favour of the Council in the decision I have made on the appeal, this does not alter my finding on reasonableness in the context of this costs application. Accordingly, the applicant has not incurred unnecessary or wasted expense in having to follow the appeal process and an award of costs is not warranted.

*Graham Wraight*

INSPECTOR