



Costs Decision

Site visit made on 6 February 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Costs application in relation to Appeal Ref: APP/H0738/W/23/3329861 30 Durham Street, Stockton-on-Tees TS18 1QE

- 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 Joe Fraser for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of existing 3 bed dwelling to form 2 no. 1 bed flats including demolition of ground floor extension and installation of external staircase.
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Decision

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

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. It goes on to indicate that local planning authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate a reason for refusal on appeal and vague generalised or inaccurate assertions about a proposal's impacts which are unsupported by any objective analysis.
4. The appellant states that the appeal was unnecessary because the proposal complies with the development plan and the refusal of planning permission has prevented and delayed development which should have been permitted. The appellant asserts that the Council's reasons for refusing planning permission are vague and unsubstantiated.
5. I consider that the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the decision. It also clearly states which policies of the Stockton-on-Tees Local Plan and the National Planning Policy Framework that they considered proposal would conflict with and therefore the Council have not behaved unreasonably in that respect.
6. Having carefully considered the applicants' claim for costs, I do not agree that the Council have failed overall to substantiate or rationalise their reasons for refusing the application. Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. It was the Council's assertion that the proposal did not accord with policies in the development plan, and I am satisfied that they have set out clearly why they think that is the case. Whilst I appreciate that there are

similarities between the decision in the case before me and others elsewhere in the borough, this in itself does not amount to unreasonable behaviour.

7. The appeal has not led the applicants to incur unnecessary or wasted expense to demonstrate their case. Simply spending time and instructing an agent to undertake an appeal is not considered an unreasonable expense in this instance.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. As a result, an award of costs is not warranted and accordingly refused.

K L Robbie

INSPECTOR