



Costs Decision

Site visit made on 17 April 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2024

Costs application in relation to Appeal Ref: APP/H0738/W/23/3335619 Land West of New Close Farm, Calf Fallow Lane, Norton, Stockton on Tees TS20 1PF

- 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 Georgia Swales for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the conversion of a barn to a dwelling.
-

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 (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. In this case the Council failed to give notice within the prescribed period of a decision on an application for planning permission. The PPG advises that if it is clear that the Council will fail to determine an application within the time limits, it should give the applicant a proper explanation.
4. The evidence before me indicates that during the planning application process the Council were, at times, unresponsive and that it could have communicated more effectively. As a part of this, more proper explanations on delays could have been provided.
5. Despite these deficiencies, and even though the applicant did not agree with the reasoning, the Council did set out why it considered revised plans and additional notification was necessary and that the application required determination at Planning Committee. I have no substantive evidence before me which demonstrates to me that the Council were incorrect in its pursuit of the additional submissions or the proposed determination procedure. Therefore, some delay to the application's progression was justified.
6. Moreover, on more than one occasion during the application process, Council Officers informed the applicant that they objected to the proposal. During the appeal, the Council have clearly explained why it would not have granted planning permission had the application been determined within the relevant period. I have since dismissed the appeal. Therefore, even with more proactive

- communication, the appeal could not have been avoided nor would it have been very likely that the pertinent issues would have been narrowed.
7. Whilst the use of conditions may moderate the effects of domestic paraphernalia the proposal would, regardless, domesticate the appearance of the building group and erode its present rural character. Conditions would not sufficiently mitigate the harm the proposal would cause overall and would not enable the proposed development to go ahead.
 8. The Council has substantiated its reasons why the proposal would not lead to a setting enhancement. Each case should be determined on its own merits having regard to the specific site and proposal circumstances. Furthermore, I find nothing within the Council's approach to the assessment of setting effects to be clearly at odds with the decisions of the other Inspectors to which the applicant refers. Therefore, the Council has not persisted with objections which Inspectors have previously indicated to be acceptable.
 9. In the second main issue of my appeal decision, I have set out the reasons why it is appropriate to consider the accessibility credentials of the site. In raising objections on the grounds of accessibility the Council have, therefore, not acted contrary to prevailing Government advice or policy.
 10. The applicant submits that the manner in which the Council dealt with the planning application was inconsistent with other applications in the area. However, I have very little information before me in relation to the other applications or the detail of the alleged inconsistencies. Therefore, I cannot conclude that the Council have unreasonably been determining similar cases in an inconsistent manner.
 11. Finally, I have concluded that the proposal conflicts with policies within the development plan and would be inconsistent with advice within the Framework. It follows that the Council's actions have not prevented a development which, having regard to the development plan, national policy or material considerations, should clearly have been permitted.
 12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Jones

INSPECTOR