



## Costs Decision

Site visit made on 17 September 2024

**by M J Francis BA (Hons) MA MSc MCIfA**

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

**Decision date: 1 October 2024**

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### **Costs application in relation to Appeal Ref: APP/H0738/D/24/3348267 9 Heathfield Close, Eaglescliffe, Stockton-on-Tees TS16 0HA**

- 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 Thomas Samuels for a full award of costs against Stockton-on-Tees Borough Council.
  - The appeal was against the refusal of the Council to grant planning permission for development.
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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 (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. Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant considers that the application has been refused on incorrect grounds in that it was contrary to Policy SD8 of the Stockton-on-Tees Local Plan, 2019 (LP). The applicant refers to the design being a replica of other properties in the street, including the neighbouring property, and that it is positioned back from the building line. Furthermore, they consider that in refusing the application, time has been lost in which the garage could have been built, with building costs having now increased.
4. The proposed conversion of the existing garage and construction of the pitched roof is similar to that found on the next-door property. However, the Council clearly stated that they had no objection to this part of the application. Whilst the submitted evidence identifies a number of properties in the area that have been extended, I have not been provided with comparable cases where detached garages of this size have been constructed. Consequently, I do not agree that this is a replica of other properties in the street.
5. Whilst I found that the proposal would accord with LP Policy SD8, the Council's officer report provides clear reasoning as to why they considered that the development would be out of character with the character and appearance of the area. Although this has resulted in delays in building the garage, and even though I have allowed the appeal and granted planning permission, I do not

consider that the decision reached by the Council amounts to unreasonable behaviour.

**Conclusion**

6. For the reasons set out above, I conclude that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

*M J Francis*

INSPECTOR