The Planning Inspectorate

Costs Decision

Site visit made on 22 November 2016

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 December 2016

Costs application in relation to Appeal Ref: APP/B3438/W/16/3158072
123 Tunstall Road, Knypersley, ST8 7AA

- 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 C Critchlow for a full award of costs against Staffordshire Moorlands District Council.
- The appeal was against the refusal of the Council to grant planning permission for demolition of existing dwelling and associated outbuildings. Formation of new site access and erection of 7 no. detached dwellings.

Decision

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

Reasons

2. The appellant's costs application, the Council's response and the appellant's final comments were submitted in writing.

3. The *Planning Practice Guidance* (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. In summary, the appellant argues that the Council acted unreasonably by: relying on unreasonable reasons for refusal, unsupported by proper reference to local and national policy.

4. The Council's first reason for refusal relates to the effect of the scheme on the character and appearance of the surrounding area and the settings of Listed Buildings, with particular reference to St John's Church and the Fairhaven complex. In support of its reasons, the Council's appeal submissions make reference to, amongst other things, a cramped layout, out of keeping with the surroundings, and erosion of green space in a prominent location on Tunstall Road, which would in turn affect the character and appearance of the surroundings and the setting of neighbouring Listed Buildings. Reference has also been made to local and national policy, including, in the Council's Appeal Statement, clarification that the harm to the significance of designated heritage assets would be less than substantial and that it is a factor to be weighed against the public benefits of the proposal, in accordance with the terms of the *National Planning Policy Framework* (the Framework). In my judgement, the Council has adequately substantiated its first reason for refusal, with reference to the Development Plan, national policy and other material considerations.

I share its concerns in a number of respects, which led to the dismissal of the appeal.

5. The Council's second reason for refusal indicates that the benefits of the scheme would not be sufficient to outweigh the identified harm. It does not automatically follow that, as a result, the scheme would conflict with CS Policy SS1a and the Framework, the relevant test being whether the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. However, the Council's delegated report makes clear its view that that would be the case and further support for that position is provided in its Appeal Statement. In my judgement, the Council has adequately substantiated its second reason for refusal, with reference to the Development Plan, national policy and other material considerations.

6. In my appeal decision, I have concluded that the appeal should be dismissed. It follows that the Council has not prevented or delayed development which should clearly be permitted.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

I Jenkins

INSPECTOR