The Planning Inspectorate

Costs Decision

Site visit made on 20 May 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2019

Costs application in relation to Appeal Ref: APP/B3438/W/19/3222624
Land at Calverhay Farm, Uttoxeter Road, Blythe Bridge ST11 9JG

- 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 Les Elkin for a full award of costs against Staffordshire Moorlands District Council.
- The appeal was against the refusal of planning permission for the erection of 2 no. detached dwellings.

Decision

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

Reasons

2. 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 claim centres around the fact that the appeal proposal follows an earlier application for outline planning permission on land which included the appeal site (Ref. SMD/2015/0714). This application was refused by the Council but the Caimant points to the fact that when considering the earlier scheme, the Planning Officer stated within the Committee Report that the site was outside of the development boundary but on the edge of a large village.

4. Paragraph 6.3 of the Report does explain that '*the site is on the edge of a large village*'. It goes on to say that '*all of the land in this part of the village that lies to the north of the main road (Uttoxeter Road) which includes the site and the adjacent rows of houses either side of the site, is in the Green Belt'*. The Caimant argues that the earlier proposal was refused because the Council considered the site to be too wide and that the erection of four houses would not amount to 'limited infilling' rather than the fact that the site was not part of a village; whereas the appeal proposal was refused because the site was not part of a village rather than because it did not amount to limited infilling. The Caimant also asserts that the appeal proposal was devised to address the concerns raised by the Council in relation to this earlier proposal and that the Council's inconsistent approach amounts to unreasonable behaviour which has led to the incurring of unnecessary expense.

5. The Council points to paragraph 6.5 of the Committee Report relating to application ref. SMD/2015/0714. This paragraph explains that '*this part of the Green Belt helps to keep the village of Blythe Bridge separate from the City of Stoke-on-Trent and thus protect its character and identity as a separate*

settlement'. This paragraph goes on to explain that '*the provision of houses on the site and the filling of the gap would harm the openness of this part of the Green Belt as well as undermining the strategic gap which separates the village of Blythe Bridge from the City of Stoke-on-Trent*'. By the Council's own admission, this reasoning does conflict somewhat with the position taken in paragraph 6.3 of the same Report. However, paragraph 6.5 identifies clear concerns about the impact of the proposal. The Council has since pointed to the fact that the site cannot be within a village *and* perform an important function as part of a strategic gap separating two settlements.

6. In addition, the Council explains that the Delegated Report relating to an even earlier application for outline planning permission for residential development which included the appeal site (Ref. SMD/2014/0523) noted that the site was located outside of the defined village boundary, just outside Blythe Bridge, and within the Green Belt.

7. Consistency in the approach to decision making is key to providing certainty and confidence in the planning system. In this case, the Council accepts that there were some 'conflicts of reasoning' within the report relating to Application Ref. SMD/2015/0714, which is unfortunate. That said, Officers' reports must be read as a whole and it is clear to me that this report raised clear concerns about the importance of the site as part of a strategic gap. Further, I have seen no document from the Council which suggests that a residential development at the appeal site would be supported.

8. In light of the above factors, I find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the Planning Practice Guidance, has not been demonstrated.

David Fitzsimon

INSPECTOR