The Planning Inspectorate

Costs Decision

Site visit made on 18 June 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

Costs application in relation to Appeal Ref: APP/B3438/W/19/3222489
Fair View, Caverswall Common Lane, Caverswall ST11 9EU

- 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 and Mrs Taylor for a full award of costs against Staffordshire Moorlands District Council.
- The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.

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. The main thrust of the applicants' case is that the removal of Class E permitted development rights fails the tests for conditions in that it is not reasonable, is not relevant to the development to be permitted and is not necessary.

3. The Planning Practice Guidance advises that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; or imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations.

4. It will be seen from my decision that I have concurred with the Council that the condition is reasonable, it is relevant to the development to be permitted and it is necessary in the interests of preserving the openness of the Green Belt.

5. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicants were put to unnecessary or wasted expense.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Savage

INSPECTOR