The Planning Inspectorate

Costs Decision

Hearing Held on 24 November 2020
Site visit made on 25 November 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Costs application in relation to Appeal Ref: APP/B3438/W/20/3248383
Land South of Thorncliffe Road, Leek ST13 6NH

- 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 Land Designation Ltd for a partial award of costs against Staffordshire Moorlands District Council.
- The hearing was in connection with an appeal against the refusal of planning permission for an outline planning application for residential development, including access, with all other matters reserved for future approval.

Decision

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

Reasons

2. Paragraph 30 of 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 the costs to incur unnecessary or wasted expense in the appeal process.

The submission by Land Designation Ltd

3. The applicant has referred to alleged unreasonable behaviour of the Council with respect to failing to properly take into account the pedestrian connectivity information it had to assess the development in the form of a Transport Assessment (TA); and that these details were considered to be acceptable in a previous appeal by the Council and its Highway technical consultee; and by another inspector following the outcome of a previous appeal. The appellant alleges that proposed access has not changed since that time and therefore there is no reason to conclude that the details are now insufficient. Therefore, causing the applicant unnecessary wasted time and expense in lodging the appeal.

The response by Staffordshire Moorlands District Council

4. The Council's rebuttal is that as access was applied for at outline stage it is appropriate for pedestrian connectivity to be properly considered. It also had concerns regarding the extent of TA information being relied upon from another residential scheme to support the current proposal. They submit that this has led to a lack of clarity over the nature of junction improvements required and proposed due to different iterations of documents; in addition to pedestrian connectivity leading to Buxton Road not being properly evidenced.

Reasons

5. Despite the presence of a previous appeal determination the Council has expressed concerns in relation to a separate development scheme where public safety issues are triggered. I accept that it was appropriate for them to address access and pedestrian connectivity related issues in order to protect public safety. This is because access provision and junction improvement measures should be robustly demonstrated for an outline application with access provision applied for. Thus, the Council has provided an adequate explanation as to why access connectivity was a reasonable concern to address.

6. There is no substantive evidence which demonstrates that the inclusion of pedestrian connectivity and highway safety related matters raised by the Council was reliant on baseless concerns. Moreover, there is no evidence that the issues raised have resulted in the applicant being faced with unnecessary expense.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

M Shrigley
INSPECTOR