



Costs Decision

Site visit made on 17 February 2026

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 20 March 2026

Costs application in relation to Appeal Ref: 6002574

51a Park Lane, Knypersley, Biddulph ST8 7AS

- 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 David Ward for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal of planning permission for the creation of a new dwelling within the current residential curtilage of number 51a Park Lane without complying with condition 2 attached to planning permission Ref SMD/2023/0379, dated 15 October 2024
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Parties in planning appeals are normally expected 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.
3. In this case, the applicant alleges the Council behaved unreasonably during the processing of the planning application, principally on grounds relating to procedural and administrative failures.
4. The proposal went through several design iterations during the processing of the application in an attempt to address the concerns of the Council. The Council accepted amended plans and the revised scheme was recommended for approval by the Council's case officer. While the application was ultimately refused, email correspondence between the parties suggests that the Council did work with the applicant in an attempt to achieve an acceptable form of development.
5. The applicant was understandably disappointed by the Council's decision, particularly given the recommendation for approval. However, it was not unreasonable for the Council's principal officer and the planning manager to review the scheme and to exercise their planning judgement and reach a view contrary to the case officer, provided the reason for refusal could be substantiated.
6. The Council's decision notice references the plans that were determined, the harm that would arise, and the consequent policy conflict. The reason for refusal is not vague or unsubstantiated. As can be seen from my appeal decision, I also found that the proposal would harm the living conditions of the closest neighbours and I dismissed the appeal accordingly. It follows that the Council did not prevent or delay development that should clearly have been permitted, taking into account the development plan and material considerations.

7. The amended plans that were refused were not uploaded to the Council's public planning register during the processing of the application. Only the originally submitted and superseded plans were available to view online. I agree this would have resulted in a lack of transparency. The Council admits this was an error on its part, and not in accordance with its procedures. However, there was little interest from third parties. Both the applicant and the Council understood which set of plans were being considered. Even accepting that it was unreasonable of the Council not to make the revised plans available online, there is little evidence this prejudiced the applicant's case.
8. The applicant considers that the Council's failure to upload the plans resulted in unnecessary time and expense in the appeal because he had to reconstruct and evidence the drawing history independently and prepare appeal documents, appendices and a drawing register. However, the refused plans are listed in the Council's decision notice and the applicant would have been aware of the drawing history and timeline because he prepared the drawings and submitted them to the Council. Irrespective, the Procedural Guide: Planning appeals – England is clear that it is the appellant's responsibility to ensure they can fully make their case and, among other things, their statement of case must contain full details of relevant facts, all available evidence and be accompanied by all documents, maps and plans. Evidencing the drawing history and preparing appeal documents is therefore a normal expense in the appeal process.
9. The application was determined on the last day of an agreed extension of time. Late in the afternoon of that day, the applicant emailed a further and materially different plan to the case officer for consideration and requested another extension of time to allow feedback and finalised drawings if needed. By return, the applicant received an automatic out of office reply advising that the officer was unavailable and urgent matters should be referred to the Council's planning team mailbox. However, the applicant did not apparently copy his request to the planning support team to be actioned. Given that the Council did not know of the late request, it was not unreasonable of it to determine the application on the basis of the plans before it and in accordance with the previously agreed deadline for determination.
10. During the processing of the application, the applicant also requested to discharge several conditions on the original permission and requested the extension of time for this purpose. The Council agreed to this. Accordingly, and although he did not apparently submit details to discharge conditions during the agreed extension of time, the applicant was provided with the opportunity to do so. While he was unsuccessful in securing a further time extension, the request for which related to a revised design of the dwelling, I am not persuaded that the Council unreasonably prevented him from submitting details to discharge conditions. Moreover, it was not unreasonable of the Council to determine the application on the basis of what was applied for, which was the variation of the approved plans condition. The discharge of conditions is not therefore reliant upon the appeal proposal.
11. The applicant did incur costs in revising the scheme during the processing of the planning application. There would also have been some expense incurred in making this costs application. However, the PPG is clear that the award of costs relates specifically to unreasonable behaviour by a party that has directly caused another party to incur unnecessary or wasted expense in the appeal process.

12. The applicant disagrees with the Council's decision and he exercised his right of appeal accordingly, incurring expenses in the process. However, even accepting that there was some unreasonable behaviour by the Council's during the processing the application, it was not unreasonable of the Council to determine the application on the basis of the plans before it and to refuse permission. Irrespective of whether or not a different scheme would be acceptable, the appeal could not have been avoided. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

13. For the above reasons, I conclude that an award of costs is not justified and therefore the application for an award of costs is refused.

Sarah Manchester

INSPECTOR