



Costs Decision

Site visit made on 23 January 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Costs application in relation to Appeal Ref: APP/H4505/W/23/3333546 Bassetts Lookout, Bowes Equestrian Centre, North Side, Birtley, Gateshead DH3 1RF

- 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 Stephen and Wendy Gair (Bowes Moor Equestrian Centre) for a full award of costs against Gateshead Council.
 - The appeal was against the refusal of planning permission for development described as weather protection on part of an equestrian outdoor recreation facility.
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Decision

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

Reasons

2. Parties in planning appeals normally 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. The applicants are seeking an award of costs on substantive grounds. In short, they claim that the Council has acted unreasonably in reaching an incorrect decision on the planning application.
4. Although I have allowed the planning appeal and have disagreed with the Council's conclusions on each of the refusal reasons, this in itself does not dictate that an award of costs should automatically be made.
5. The refusal reasons, together with the Council's officer report and appeal statement, clearly set out the rationale for refusing the planning application, with reference to the relevant development plan policies and National Planning Policy Framework. In this respect, I am satisfied that the Council has clearly sought to substantiate the reasons for refusal. I also recognise that the determinative factors in this case relating to Green Belt openness and character and appearance are largely subjective. Thus, and despite my conclusions to the contrary, it was reasonable for the Council to have exercised planning judgement in reaching its own views on these matters.
6. I therefore find that the Council has not acted unreasonably with respect to the substance of the appeal. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

A Caines

INSPECTOR