



Cost Decision

Site visit made on 19 November 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/H4505/D/20/3261008

16 Rockwood Gardens, Greenside, Ryton, Gateshead NE40 4BB

- 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 David Shipman for a partial award of costs against Gateshead Council.
 - The appeal was against the refusal of planning permission for the construction of a first-floor rear extension.
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Decision

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

Summary of the Application and the Council's Response

2. The application, and the Council's response were submitted in writing and the cases will be familiar to the parties. Consequently, the following is a brief summary of the respective positions.
3. The applicant contends that, as a result of planning permission being refused and the subsequent delay resulting from the submission and consideration of the above-mentioned appeal, the LPA should cover the costs of any additional surveys and subsequent validation works by the ecologist which may be required.
4. The Council maintains that it properly considered the proposal against local and national planning policy and that the reasons were fully explained and set out in the delegated report.

Reasons

5. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.
6. Though a bat survey was carried out by the appellant, I consider this to be a normal part of the application process and not a wasted expense.
7. It appears to me that much of the basis of the applicant's costs claim relates to the cost of undertaking a survey and subsequent validation works by the ecologist if the Council require the existing survey to be renewed. As I have reached the decision to dismiss the appeal, this would not apply. Any costs associated with a new or revised application would fall outside the scope of

this appeal and any future expenditure would not be a reason to award costs in relation to the current appeal proceedings.

8. The written representations suggest all relevant information was considered by the Council when deciding the application. The refusal reason was clear and sufficient evidence was submitted to support the Council's stance. It is a matter that required balanced judgement, I find no evidence that the Council had a pre-conceived stance to refuse the application; it merely considered the proposal against relevant policy.
9. The applicant has not shown that the Council behaved unreasonably in refusing to grant planning permission. It follows that there are no grounds for an award of costs based on unnecessary and wasted expense as set out in the Planning Practice Guidance. A full or partial award is unjustified.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

10. Having considered the submitted evidence and the Appeal Planning Officer's report, for all the above reasons, I too concur that this application should be refused.

Chris Preston

INSPECTOR