



Costs Decisions

Site visits made on 13 April 2021 and 17 August 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2021

Costs application A in relation to Appeal Ref: APP/A4520/W/20/3264422 Sir William Fox Hotel, 5 Westoe Village, South Shields NE33 3DZ

- 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 Lee Brown for a full award of costs against South Tyneside Metropolitan Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for a development described as: Change of use from hotel to 7 no. apartments. Proposed extension to rear elevation and external alterations including the removal of existing render to the rear elevation, replacement of existing uPVC windows to hardwood timber windows, associated landscaping, car parking, and installation of cycle stands and refuse storage to the rear.
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Costs application B in relation to Appeal Ref: APP/A4520/Y/20/3264425 Sir William Fox Hotel, 5 Westoe Village, South Shields NE33 3DZ

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Lee Brown for a full award of costs against South Tyneside Metropolitan Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for listed building consent for works described as: Change of use from hotel to 7 no. apartments. Proposed extension to rear elevation and external alterations including the removal of existing render to the rear elevation, replacement of existing uPVC windows to hardwood timber windows, associated landscaping, car parking, and installation of cycle stands and refuse storage to the rear.
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Decisions

Application A

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

Application B

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

Reasons

3. 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.

4. An application for an award of costs was made by the appellant in respect of each appeal. Both applications were identical, and neither was supported by any additional information other than a copy of the planning agent's fee proposal. Clarification was sought as to whether this constituted the entirety of the appellant's submissions for the awards of costs, and it was confirmed that this was the case.
5. Whilst the Council did not determine the applications within the statutory time period, or any longer period that had been agreed, this, of itself, does not constitute unreasonable behaviour. It is clear from the evidence and from the Council's submissions in respect of the costs applications that the Council's planning officers had sought to work proactively with the appellant. It is also clear that the applications were presented to the Council's Planning Committee for a decision.
6. The Council's Planning Committee deferred making a decision on the applications to allow its members to view hard copies of the drawings and supporting documents. Because restrictions that were in place at that time due to the coronavirus pandemic resulted in Council meetings being held virtually and created difficulties with visiting sites, I do not find that it was unreasonable for the Council to have deferred making a decision to allow the decision makers time to study and fully appraise the proposals that were before them. It is also clear from the Council's submissions, which are not contested by the appellant, that the appellant was fully informed of both the reason for the delay and the date on which the applications would be considered again by the Council's Planning Committee. Again, I do not find anything unreasonable in the Council's behaviour in this respect.
7. From the Council's submissions, it is clear to me that it exercised its duty to determine the applications in a reasonable manner, although ultimately it did not have the opportunity to make formal decisions due to the submission of the appeals. I do not have any evidence to the contrary from the appellant setting out in what way the Council's behaviour is alleged to be unreasonable or how this may have resulted in wasted, or unnecessary, expense.

Conclusion

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

John Dowsett

INSPECTOR