
Costs Decision

Site visit made on 31 August 2016

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

**Costs application in relation to Appeal Ref: APP/P1045/D/16/3151846
Nether Farm, Mill Lane, Sturston, Derbyshire DE6 1LN**

- 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 Keith Whitmore for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal of planning permission for a 2 storey oak framed extension to gable end of existing dwelling.
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Decision

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

Reasons

2. Paragraph 030 of the National Planning Practice Guidance (NPPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. Paragraph 049 of the NPPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications. Examples of this include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by an objective analysis.
 4. The application essentially relies on the fact that the appellant considers that the Council did not comprehensively assess the proposal, have sufficient regard to paragraph 60 of the National Planning Policy Framework (the Framework) and that the Council's Officer Report did not give any substantiated reasons as to why the proposed extension would be harmful to the character and appearance of the farmhouse. The appellant does not consider that the Council acted in a positive or proactive manner and instead considers that the behaviour of the Council unnecessarily forced him to appeal.
 5. Though I acknowledge that the Council's Officer Report is brief, it does describe the appeal site and the proposal and identifies what elements of the proposal are considered to be unacceptable and why. The report also sets out the relevant planning policies including the Framework and whilst there is no
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specific reference to paragraph 60 of the Framework, the report concludes that Local Plan Policy SF5 aligns with guidance contained within the Framework in respect of design. The decision on the proposal is one which is a matter of judgement and as can be seen from my decision letter, I agree with the Council that there were sufficient grounds to refuse planning permission.

6. The Notes to Applicant contained both within the Council's Officer Report and the Council's Decision Notice state that the Council did not consider that the fundamental planning problems of the application could be resolved through negotiation. However whilst the Notes state that the issuing of a decision would allow the appellant to exercise his right of appeal, I have seen no evidence to suggest that he was forced to appeal or that the Council refused to engage in any further discussions regarding a proposed extension to the farmhouse following the refusal of the application that is the subject of this appeal.
7. From the evidence before me I do not consider that the local planning authority behaved unreasonably in refusing the planning application.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all matters raised, an award of costs is not justified.

Beverley Wilders

INSPECTOR