
Costs Decision

Site visit made on 30 August 2016

by D M Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 5 October 2016

Costs application in relation to Appeal Ref: APP/M9496/D/16/3152332 Swallow Cottage, Pilhough Road, Rowsley DE4 2NE.

- 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 W Mitchell for a full award of costs against the Peak District National Park Authority.
 - The appeal was against the refusal of planning permission for a domestic garage and store.
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Decision

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

Reasons

2. The *Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG gives examples of unreasonable behaviour by planning authorities. Amongst other things, this can include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
 3. The Authority refused permission for one reason, contrary to the advice of its officers. The Authority is perfectly entitled to disagree with the recommendations of its professional officers, but there is a reasonable expectation that should this occur, it should have good reason, based on sound, substantive and defensible planning grounds.
 4. The essence of the Appellant's claim is that the Authority refused planning permission without good cause. To a large extent, matters relating to landscape impact are always a matter of judgement. In such cases an award of costs will rarely be justified provided that realistic and specific evidence is provided about the consequences of the proposed development.
 5. I find that the reason for refusal set out in the decision notice is complete, precise and specific to the application. In my view, the reason is adequately substantiated by the Authority in its detailed Appeal Statement which is carefully considered and clearly written and sets out the putative reasons for the reaching the conclusion it did even if this was contrary to the view of its professional officers.
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6. The appellant has also expressed concerns regarding the way the Committee Meeting was conducted including comments made during the course of the debate. Whilst this might have caused the appellant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant.
7. Whilst I appreciate that the outcome of the application will have been a disappointment to the Appellant, the Authority were not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I have concurred with the Authority. This does not however make the Authority's decision unreasonable.

Conclusion

8. I do not consider that the Authority's approach was incorrect or deficient with regard to its assessment of the scheme. I find, therefore, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated

D. M. Young

Inspector