

Costs Decision

Site visit made on 8 November 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 18th November 2016

Costs application in relation to Appeal Ref: APP/A3010/W/16/3154169 141 Newcastle Avenue, Worksop, S80 1NJ

- 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 Dennis McAleavey of Sutherland Investment Property Ltd for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of planning permission for erection of a detached building to form 2 x 1-bedroomed apartments.
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Decision

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

Reasons

2. *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. The appellant considers that the Council acted unreasonably in refusing the application and contends that they provided vague, unsubstantiated and generalised assertions about the proposal's impact.
 3. The Council did not submit a statement of case and instead relied upon the Officer's delegated report to set out their case. This is a relatively short document and I accept that it briefly states the Council's case. However, having visited the site I have found that other than in the matter of on-street parking, where I have found no harm, the views put forward within the officer report concisely and accurately identify the harm that would arise from the proposal before me. I therefore do not accept that the Council failed to adequately substantiate their case. Furthermore, having considered the nature of this harm, I do not consider the Council to have erred in not considering that the harm could be mitigated by the use of conditions.
 4. The appellant has also referred to issues relating to the effect of the proposal on heritage assets. This was not a concern of the Council and was not referred to in the decision notice. It is therefore not a matter which led to this appeal.
 5. It follows that the Council did not delay development which should clearly have been permitted, having regard to local and national policy and any other material considerations. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in *Planning Practice*
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Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Anne Jordan

INSPECTOR