
Costs Decision

Site visit made on 5 January 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 26 January 2017

Costs application in relation to Appeal Ref: APP/M4969/W/16/3159734 1 The Cross, Main Street, Great Longstone, Derbyshire, DE45 1TZ

- 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 Peter Hunt for a full award of costs against the Peak District National Park Authority.
 - The appeal was against the refusal of planning permission for the change of use of stone built outbuilding to holiday accommodation.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The grounds for refusal were the harm that the proposal would cause to the living conditions of neighbouring occupants of the development and concerns regarding highway safety. My decision, which accompanies this costs decision, found the development would be acceptable and would not have any adverse impact.
4. Council Officer's recommended that planning permission be granted for the proposal, but the Council Members took a different course of action. The applicant contends that this was unreasonable given the findings of the Inspector in 2015¹ on highway safety and living conditions and that the refusal of the application subject to this current appeal constitutes persisting in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable.
5. The Committee report clearly set out the planning history for the site and noted that the 2015 appeal decision carries significant weight. Members do not have to accept the advice of their Officers and I am satisfied that in finding an adverse impact upon living conditions and highway safety, they were entitled to give these issues greater weight than had been identified by the Council Officer in their report, as a matter for the decision maker.

¹ APP/M9496/W/15/3049298

6. The Council contend in their appeal statement that the Inspector of the 2015 appeal may not have fully appreciated the arrangements as proposed. There is also a considerable history in respect of the appeal site and I am mindful that in 2009 there was an appeal whereby a different Inspector found harm in respect of these matters.²
7. In exercising their planning judgement, I consider that the application was determined by Members on the basis of its own merits in respect of the key characteristics of the appeal site and it was not unreasonable for them to do so. I therefore find that their behaviour was not unreasonable in this respect and as such, there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

8. Overall I conclude that, while the appeal has succeeded, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

C Searson
INSPECTOR

² APP/M9496/A/09/2096409