

Costs Decision

Site visit made on 16 January 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 1 February 2017

Costs application in relation to Appeal Ref: APP/A3010/D/16/3162374 Hermeston Hall, Doncaster Road, Oldcotes, Nottinghamshire S81 8HS

- 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 D Hunt for a full award of costs against Bassetlaw District Council.
 - The appeal was made against the refusal of planning permission for the partial demolition of the garage due to it being unsafe and erection of new wall to make room for a car to fit in the garage, thus making the garage bigger.
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Decision

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

Reasons

2. *Planning Practice Guidance* 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. It is alleged that the Council acted unreasonably by not acting proactively; by providing only vague and generalised assertions; and by failing to follow the approach set out in paragraph 135 of the *National Planning Policy Framework*.
 4. The Council's report does not refer specifically to the appropriate paragraphs within the *Framework* or the sections of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst this is not an essential requirement, it would have been helpful if the level of harm to the Conservation Area, as a designated heritage asset, had been clearly set out and the public and other benefits of the scheme had also been recorded.
 5. The Council's concerns with regard to the alterations proposed are set out in their report. These are limited to the materials being incompatible with the existing building and Hermeston Hall itself. The Conservation Officer indicated that a matching (or near matching) brick finish would be acceptable. This level of detail is not vague or generalised and the comments of the officers are helpful in identifying a positive way forward. I do not agree therefore that the Council failed to act proactively.
 6. Whilst the report has failed to describe the balancing of the benefits of the
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proposal against the harm that would result, I am not satisfied that the Council did not apply itself appropriately. Even if I accepted the appellant's assertion, I am not persuaded that the Council would have arrived at a different overall conclusion. As I have found their conclusion to be reasonable in all respects, an appeal would therefore have been required in any event. The costs that have accrued would also have resulted. I am not satisfied that the Council acted unreasonably but in any event, no additional costs have resulted.

7. Overall, I am unable to conclude that the actions of the Council fall within any of the examples of unreasonable behaviour set out in the *Guidance*. Whilst these are not exhaustive, I do not agree that the Council has behaved unreasonably. In any event, I do not find that any wasted expense resulted from their actions. I therefore find that unreasonable behaviour resulting in unnecessary and wasted expense, as described in the *Guidance*, has not been demonstrated and an award of costs is not therefore justified.

Peter Eggleton

INSPECTOR