
Costs Decision

Site visit made on 17 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 13 February 2017

Costs application in relation to Appeal Ref: APP/W3005/W/16/3158945 Land off Blidworth Road, Kirkby in Ashfield

- 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 Mrs S Weaver for a full award of costs against Ashfield District Council.
 - The appeal was against the refusal of development for equine use, with erection of a stable block, yard and access track.
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Decision

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

Reasons

2. The 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.
3. The applicant is aggrieved that an application for a change of use to equestrian use with associated stables in an adjoining field was approved in 2008. She states that she cannot comprehend how the appeal proposal for a smaller stable with no manège in a similar location has subsequently been refused. Furthermore, both applications were evaluated against Policy EV1 of the Ashfield Local Plan Review 2002 (LP).
4. However, as stated in my appeal decision, the publication of the National Planning Policy Framework (the Framework) in 2012 represents a material change in circumstances since the decision in 2008, particularly in regard to policy on the change of use of land in the Green Belt.
5. The Council has assessed the proposal under Policy EV1 of the LP in relation to development in the Green Belt with due regard to the provisions of the Framework and I am satisfied that they did not behave unreasonably in doing so. Indeed, I have agreed with their assessment of the proposal against this Policy and the Framework for the reasons given in my appeal decision.
6. I therefore find that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR
