
Costs Decision

Hearing held on 4 January 2017

Site visit made on 4 January 2017

by Andrew R Hammond MSc MA CEng MIET MRTPI

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

Decision date: 24 February 2017

Costs application in relation to Appeal Ref: APP/R4408/W/16/3155546 Land adjacent to Burntwood Cottages, Moor Lane, Great Houghton, Barnsley.

- 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 Barnsley Metropolitan Borough Council for a full award of costs against Geoffrey Rook.
 - The hearing was in connection with an appeal against the refusal of planning permission for a gypsy and traveller site to provide 8 plots with internal access road and utility blocks.
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Decision

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

The submissions for Barnsley Metropolitan Borough Council

2. The case for the Council is that the appellant behaved unreasonably in pursuing the appeal having withdrawn the site from a proposed allocation as a gypsy site and that, furthermore, the appellant had no chance of success as the application was for a speculative gypsy site in the Green Belt and therefore there was no possibility of being able to demonstrate 'very special circumstances'.

The response by Geoffrey Rook

3. Mr Rook responded that he was confused by his contact with the Council and had understood, albeit erroneously, that the process of allocation would take 5 years whereas his application could be determined on a shorter timescale. He also explained that his understanding was that inclusion in the allocation would render his land liable to compulsory purchase.
4. Mr Rook also explained that he believed that the fact that the neighbouring site, also within the Green Belt, had been granted planning permission on the basis of the personal circumstances of the occupiers would mean that he could expect planning permission for occupation by persons with comparable needs.

Reasons

5. The Council acknowledged that they had not explained to Mr Rook the implications of removing the appeal site from the allocations plan, suggesting that they were not obliged to as all the details of the consultation process was

on the Council's website. Nor did the Council draw to Mr Rook's attention the fact that he stood little chance of success at appeal given that the appeal site was in the Green Belt.

6. The Council confirmed that, had the site remained allocated as a gypsy site they would have sought to alter the Green Belt boundary.
7. Being unrepresented it is not surprising that Mr Rook appears to have misunderstood the situation in the absence of any explanation from the Council. It is not unreasonable, under the circumstances, to have believed that he had some chance of success at appeal.
8. Mr Rook did not, therefore, behave unreasonably in pursuing the appeal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Hammond

Inspector