

Costs Decision

Site visit made on 15 March 2017

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 2 May 2017

**Costs application in relation to Appeal Ref: APP/C1055/D/17/3167038
144 Stenson Road, Derby DE23 1JG**

- 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 Joseph Tyndyke for a full award of costs against Derby City Council.
 - The appeal was made against the refusal of planning permission to create driveway at front of property.
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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 appellant's case for an award of costs relates to the planning application process and not the appeal process. The appellant considers that the Council acted unreasonably in requesting an arboricultural survey and planning drawings in order to assess the application. However, such requests are not in themselves unusual and therefore I do not consider that these matters constitute unreasonable behaviour as part of the appeal process.
4. The appellant considers that unnecessary costs were incurred during the application process. However, the costs incurred were plans and an arboricultural survey required to assess the planning application. There is no indication that further costs in relation to these matters were incurred during the appeal process.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J D Clark

INSPECTOR
