
Costs Decision

Site visit made on 10 April 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 4th May 2017

**Costs application in relation to Appeal Ref: APP/P1045/W/16/3165992
Land to the west of Hallcroft Farm, Marsh Hollow, Hollington, Derbyshire
DE6 3GD**

- 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 Skinner for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal of planning permission for conversion of vacant and redundant outbuilding to residential dwelling (C3 dwellinghouse).
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Decision

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

Reasons

2. The national Planning Practice Guidance (PPG) 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. Unreasonable behaviour in the context of an award of costs may be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
 3. This application is seeking a substantive award of costs against the Council relating to the planning merits of the case. However, as the planning appeal was not successful, and on the basis of the reasoning in that decision, there are no grounds to find the Council acted unreasonably in preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy or any other material considerations.
 4. The Council did adequately substantiate its reasons for refusal on the basis of the harm arising from the introduction of domestic features and the domestication of the site resulting from the proposal. Regarding the sustainability of the location, the appellant had acknowledged that many journeys from the appeal site would be made by car, and accessibility to services by other means was not shown to be convenient. Therefore, the Council's decision in this respect was not based on vague, generalised or inaccurate assertions of the impact of the proposal which was unsupported by any objective analysis.
 5. Regarding the Council's second reason for refusal, this was clearly based on the Council's development plan policy and I do not consider it would have been unreasonable behaviour for the Council to have not disregarded this and given
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it no weight on the basis of paragraph 55 of the National Planning Policy Framework (the Framework). Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is an important material consideration and requires that the weight given to the development plan is proportionate with the consistency with its policies. In this case, this would not have required that the Council give no weight to its development plan policy to give preference to employment or tourism uses over residential in the conversion of buildings outside settlements.

6. Regarding the amended plans submitted with the appeal I am not persuaded that these changes could have been reasonably secured by condition or that there was any reason these could not have been provided to the Council in advance of its decision.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused

Jonathan Price

INSPECTOR