

Costs Decision

Site visit made on 9 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 06 June 2017

**Costs application in relation to Appeal Ref: APP/A3010/W/17/3169426
Land east of Lambcote Lodge, Station Road, South Leverton,
Retford DN22 0FB**

- 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 James Neeson for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of planning permission for the erection of single detached dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) 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. The PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal.
 3. The basis of the appellant's application for costs is on the grounds that the Council acted unreasonably during the consideration of the planning application as it did not correctly apply the provisions of the National Planning Policy Framework (the Framework) in circumstances where a five year housing land supply cannot be demonstrated. In addition, there was a perception that the Council failed to act in a consistent manner, as other applications for residential development in the village had been approved. This resulted in a consequential decision to refuse planning permission with additional professional fees being incurred in the submission of the appeal.
 4. I consider that the reasons for the refusal of the planning application were relevant to the application and clearly state the relevant policies of the Bassetlaw Core Strategy and Development Management Development Plan Document (2011) (DPD) that the proposed development would be in conflict with.
 5. It is an established planning principle that each application has to be considered on its own individual merits. In this case the Council were concerned that the proposed development would not represent a sustainable form of development and would cause harm to the character and appearance of the surrounding area. My decision, which accompanies this cost decision,
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- agreed with the Council's assessment and dismissed the appeal on similar grounds.
6. The Council's approach to the location of new development is set out in Policy CS1 of the DPD. This policy sets out a settlement hierarchy across the District and identifies South Leverton as being 'all other settlements' which are defined as rural settlements that have limited or no services and facilities or access to public transport and which are unsuitable for growth. Policy CS9 of the DPD states that proposals for the development of housing, other than for conversions or replacement dwellings, within areas lying within the category of 'all other settlements' will not be supported.
 7. Although these policies pre-date the publication of the Framework, their objective is to restrict development in areas where there are limited services to meet the living needs of the occupants of such communities. As such, I found that they are consistent with the overarching sustainability aims of the Framework by considering where new development should, and should not, be located and by seeking to direct housing growth in sustainable settlements and prevent uncontrolled growth into the surrounding countryside. I also found that proposed development would not be consistent with the principles of sustainable development.
 8. Notwithstanding the fact that the Council cannot demonstrate a five year supply of housing land and taking into account the advice contained within paragraph 49 of the Framework, I found that Policies CS1 and CS9 are broadly consistent with the overall sustainability aims of the Framework as a whole and in this case the proposal would not constitute sustainable development. As such the Council did not act unreasonably in applying the provisions of policies CS1 and CS9 in the consideration of the application.
 9. The Council properly considered the proposed development against the relevant policies contained within DPD. The fact that other residential development schemes may have been permitted nearby does not suggest that the Council should not consider new development against the requirements of those policies as each development proposal should be considered on its own individual planning merits.
 10. Notwithstanding the fact that I do not have full details of other residential schemes in the village or the circumstances and planning considerations that led to the decision to grant planning permission, the proposed development I the appeal case was considered against the relevant prevailing planning policies. As such I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal and I find nothing to suggest that the decision was not reached on the basis of the merits of the proposal.
 11. Taking all of these matters into account, I find that the reasons for the refusal of the planning application were complete, precise, specific and relevant to the application. I have found that the Council had reasonable concerns that the proposal would not constitute a sustainable form of development and would cause harm to the character and appearance of the surrounding area. These justifiable concerns led to the decision to refuse the application. Accordingly, I do not find that the Council failed to properly consider the merits of the scheme or failed to produce evidence to substantiate the reasons for refusal and therefore the appeal could not have been avoided.

12. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and having regard to all other matters raised, an award of costs is not justified.

Stephen Normington

INSPECTOR