
Costs Decision

Site visit made on 16 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 23 June 2017

Costs application in relation to Appeal Ref: APP/B3030/W/17/3168428 Land at Ashcroft, (north of Cherry View), off Bilsthorpe Road, Eakring NG22 0DJ

- 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 Meanley for a full award of costs against Eakring Parish Council.
 - The appeal was against the refusal of planning permission for full application for the erection of two, two-bedroomed dwellings and associated access.
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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. The appellant is of the view that the Parish Council has behaved unreasonably in a substantive way. The appellant considers that the Parish Council is a statutory consultee. As such, under Paragraph 55 of the PPG where a local planning authority has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. However, this paragraph refers to the technical advice of key statutory consultees.
3. The Parish Council does not provide technical advice on which the Planning Committee is to rely, such as for example the key statutory consultees such as the Highway Authority. Rather it provides a response to a consultation which is then determined by the Planning Committee, who in turn may be open to costs applications in the context of Paragraph 49 of the PPG.
4. I note there does appear to be inconsistency between the reasons given for the original consultation response set out within the minutes and those referred to within the Parish Council's response to the costs application. However, this does not constitute unreasonable behaviour.
5. I am aware of the different responses to the Parish Council to developments within the village. However, coming to different conclusions is not necessarily unreasonable.

6. Nonetheless, whilst it is not a matter before me I do have sympathy with the appellant's suggestion that the Parish Council be provided with further training in considering consultation responses to planning applications.
7. Within Newark and Sherwood District where a parish council objects to an application it is not determined under delegated powers. It is then considered by the Planning Committee and a representative of the parish council is able to speak. There is no similar provision for either the applicant or an objector to speak. The basis of such procedural matters is not a matter before me.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L Nurser

INSPECTOR