
Costs Decision

Site visit made on 20 June 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 29 June 2017

Costs application in relation to Appeal Ref: APP/C1055/W/17/3171458 83 St Albans Road, Normanton, Derby, DE22 3JN

- 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 David Griffin for a full award of costs against Derby City Council.
 - The appeal was against the refusal of planning permission for the demolition of the existing garage and the erection of one detached house.
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Decision

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

Reasons

2. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, it may be subject to an award of costs.
 3. I understand that a member of Council staff had not read the appellant's Flood Risk Assessment (FRA) before a meeting, but the Council advises that it had been read by a different officer who had been dealing with the case. Therefore, it cannot be said that the Council was unaware of the contents of the FRA whilst it undertook negotiations with the applicant or before the application was determined.
 4. The applicant says that he had to use professional services to respond to objections by the Council against the proposal. However, this is a normal part of a planning application process.
 5. Nevertheless, I have examined the correspondence contained within the appendices of the applicant's statement. The applicant has provided very detailed responses to some of the Council's concerns. However, these responses are premature in the absence of a Sequential Test (ST) because regardless of whether the site is within Flood Zone 2 or 3, it is still outside of Flood Zone 1 which is where development should be directed. In the correspondence, the Council is clear that the development would not be sequentially preferable. Even the applicant's own appeal statement refers to the need for a ST, yet no ST was undertaken.
 6. The Council was therefore correct in its consistent advice that the proposed development would be contrary to both local and national planning policy.
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7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the applicant's claim for costs fails.

Siobhan Watson

INSPECTOR