
Costs Decision

Site visit made on 21 June 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 5 July 2017

Costs application in relation to Appeal Ref: APP/F4410/D/17/3173837 22 Kirk Street, Hexthorpe, Doncaster, DN4 0BL

- 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 R Bloor for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a first floor extension.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In seeking an award of costs the applicant contends that in its consideration of the planning application the Council did not fully consider the material planning considerations and apply the appropriate weight to the planning balance which resulted in the refusal of the application and the applicant having to appeal the decision.
4. In the application for an award of costs the applicant suggests that the Council should have taken into account its Housing Strategy as a material consideration in the determination of the planning application. However, I note that neither it nor any other supporting information or evidence was submitted in support of the planning application. Furthermore, I have not been provided with a copy of the Council's Housing Strategy. Therefore, I am not aware of its relevance or otherwise to the appeal proposal.
5. The Council Officer's delegation report sets out the relevant planning issues and considers the proposal against the relevant policies of the development plan as well as the Council's Development Guidance and Requirements Supplementary Planning Document July 2015. It also refers to the National Planning Policy Framework (the Framework) which is a material consideration in determining planning applications. Therefore, I am satisfied that, as required by planning law, the Council's determination of the planning application was made in accordance with the development plan and having regard to such other material considerations as the Framework. From the evidence, I am also satisfied that the Council has not prevented development

which should clearly have been permitted. Therefore, I am not persuaded that the Council has behaved unreasonably such that the applicant has incurred unnecessary or wasted expense in the appeal process.

Conclusions

6. For the reasons given above therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for an award of cost is refused.

Beverley Doward

INSPECTOR