
Costs Decision

Site visit made on 13 June 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 12 July 2017

Costs application in relation to Appeal Ref: APP/X3025/W/17/3171788 2, Stanley Road, Forest Town NG19 0BY

- 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 Mrs M Jackson for a full award of costs against Mansfield District Council.
 - The appeal was against the refusal of planning permission for construction of a detached bungalow and garage.
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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.
3. The application relies on the fact that the local plan policies are out of date, inconsistencies in decision making and vague justification for the decision.
4. Whilst the Local Plan was originally adopted in 1998 a number of the policies were saved in 2007. Whilst this precedes the adoption of the National Planning Policy Framework, I consider that the relevant policies relating to this case in terms of the character and settlement patterns are consistent with the overarching aims of the NPPF. Furthermore, the NPPF seeks to resist inappropriate development of garden land.
5. The Council's report and Grounds of Appeal give clear reasons for the refusal of planning permission. I note the Appellant's concerns over consistency however, each case is normally determined on its own merits and I am satisfied that the Council has considered this case against the relevant local and national policies. In relation to the Officers report not being available online it appears that this could have been provided via email on request and therefore I do not consider this to be unreasonable.
6. As such, I find that the Council gave consideration to the relevant policies in coming to their decision, which has been made clear from the Council's submitted case. I am therefore satisfied that the Council has shown that it was able to substantiate its reason for refusal in this instance.

Conclusion

7. Given the above considerations, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

R Norman

INSPECTOR