
Costs Decision

Site visit made on 27 June 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 20th July 2017

**Costs application in relation to Appeal Ref: APP/M9496/W/17/3173151
Horseshoe Cottage, Back Lane, Alstonefield, Ashbourne, Derbyshire,
DE6 2FW**

- 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 Ms Mandy Turley for a full award of costs against Peak District National Park Authority.
 - The appeal was against the refusal of planning permission for the proposed development described as "In order to provide a self sufficient and sustainable dwelling there needs to be sufficient storage for the battery store away from the cottage to support the recently approved Solar panels and back up generator. It is proposed to erect a small store situated to the East of the cottage next to the existing stone wall which is to remain. A South facing pitched roof is proposed in order to gain maximum sunlight if Solar thermal is to be used. The store will be built using naturally greying timber in order to naturally blend with its surroundings with a grey roof. The store is kept low lying in order to prevent a change in the landscape and does not rise more than 1.8 metres above the stone wall within the garden of Horseshoe Cottage."
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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. The applicant contends that the Authority behaved unreasonably with regard to the substance of the matter under appeal. In this respect it is contended that it failed to produce evidence to substantiate the reason for refusal and that it made vague and generalised assertions about the impact of the proposal. The applicant also contends that the Authority's actions and advice were inconsistent, contradictory and misleading.
4. Whilst I came to a different view to the Authority on the main issue, planning appeals concerning the character and appearance of an area often involve matters of judgement, and can be finely balanced. The Planning Officer's report to the Planning Committee considered the relevant planning issues and assessed the proposal against the relevant development plan policies. Furthermore, it produced a credible statement in defence of its stance on the planning merits of the proposal.

5. Although the Authority did not seek specialist landscape advice to assess the effect of the proposal the Officer's report to the Committee sets out the characteristics of the site and the landscape within which it lies and it was clear from its statement and the reason for refusal why the Authority considered the proposal unacceptable. Accordingly, I am satisfied that it did not behave unreasonably with regard to the substance of the matter under appeal such that the applicant has incurred unnecessary or wasted expense in the appeal process.
6. It is unfortunate that the applicant was initially advised by an Officer of the Authority that the proposal was likely to be supported. However, a local planning authority is not committed to pre application advice that is given on a without prejudice basis. Accordingly, I consider that the Authority did not behave unreasonably in this respect.

Conclusion

7. The PPG indicates that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
8. 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 costs is refused.

Beverley Doward

INSPECTOR