
Costs Decision

Site visit made on 1 August 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 5th September 2017

Costs application in relation to Appeal Ref: APP/P4415/W/17/3174191 Brampton Villa, Penny Hill Lane, Rotherham, S66 9BQ

- 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 West Midlands Sectional Building Ltd for a full award of costs against Rotherham Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for demolition of existing prefabricated building and erection of industrial unit.
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Decision

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

Reasons

2. The appellant considers that the Council mistakenly applied an inaccurate interpretation of Section 9 of the National Planning Policy Framework (the Framework) in reaching the conclusion that the proposal amounts to inappropriate development in the Green Belt. Had the Council correctly interpreted these provisions the appeal could have been avoided.
3. The Council in response contends that it considered the planning application appropriately in line with the development plan and the Framework.
4. The Planning Practice Guidance says that, irrespective of the outcome of the appeal, costs may only 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 process¹.
5. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise². Both the development plan and the Framework seek to protect the Green Belt from inappropriate development. Without repeating all the points in my appeal decision I found, on balance that, even given the size of the proposed building, the proposal falls within the final exception in Paragraph 89 of the Framework due to the context of the surrounding buildings. However, this requires an assessment of judgement about the effect of the proposal on the openness of the Green Belt.
6. I am satisfied that the Council had taken into account the provisions of Paragraph 89 of the Framework and the development plan including the effect

¹ Paragraph: 030 Reference ID: 16-030-20140306

² Section 38 of the Planning and Compulsory Purchase Act 2004

on openness as demonstrated in the consideration of the size of the proposed building in relation to the existing building. Although I reached a different decision this is a matter of judgement and I do not consider the Council demonstrated unreasonable behaviour in reaching the conclusion it did.

Conclusion

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

SHarley

INSPECTOR