
Costs Decision

Site visit made on 2 October 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 8th November 2017

Costs application in relation to Appeal Ref: APP/R4408/W/17/3180755 The Laurels, 24 Viewlands, Silkstone Common S75 4QP

- 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 Greg McGrath for a full award of costs against Barnsley Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing house-outline permission for 3 new houses.
-

Decision

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

Reasons

2. The Government's Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Claims can be procedural-relating to the process; or substantive-relating to the issues arising from the merits of the appeal.
3. The basis of the applicant's case is that members overturned the recommendation of the officers and that the reason for refusal is not substantiated.
4. However, officers do not have to follow their officer's recommendation. The reason for refusal clearly sets out the harm which the Council considers would arise as a result of the proposal and refers to development plan policy, supplementary planning guidance and national planning policy.
5. The Council's case is expanded upon in submissions and whilst limited, it is understandable. Concerns were raised by members regarding the effect of the proposal on the living conditions of surrounding occupiers in terms of privacy and noise and disturbance, in particular as a result of the increased use of the private driveway and these are plainly relevant considerations.
6. Overall, whilst I have found the scheme to be acceptable, the Council raised legitimate concerns in an adequate manner. Accordingly, it did not act unreasonably in relation to these issues.
7. A large element of judgement is required in making a planning decision where its effect on neighbours is at issue and there was reasonable scope for alternative viewpoints to be held in so far as living conditions are concerned.

8. I, therefore, conclude that the Council has not acted unreasonably. In these circumstances, it is not necessary to consider the question of any expense incurred. Since unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, the application cannot succeed.

Caroline Mulloy

Inspector