
Costs Decision

Site visit made on 6 November 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 14th November 2017

Costs application in relation to Appeal Ref: APP/F4410/W/17/3180273 Land to rear of 18 Laburnum Road, Mexborough, Doncaster S64 9RU

- 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 Mulvenna for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 2 bungalows with associated parking.
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Decision

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

Reasons

2. The *Planning Practice Guide* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals, and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
3. The appellant has made the application for an award of costs on the basis that it is considered the site is suitable for 2 bungalows, and that the Council has not provided adequate reasoning or justification for the decision to refuse the scheme.
4. The application had a single reason for refusal which indicated that the proposal would harm the living conditions of nearby residents, and would not provide adequate living conditions for future occupiers. Therefore the reason for refusal relates to the proposed development and deals with issues that need to be addressed in considering the scheme. It also indicates the policies within the development plan to which the Council considered the scheme would be contrary. As such these issues represent proper planning grounds.
5. As set out in my decision, I consider that the appeal scheme would provide adequate living conditions for future occupiers but would be detrimental to the living conditions of existing occupiers. However, whilst I have not agreed with the Council in regard to the former, I recognise that the effect of a development on such an issue is often a matter of judgement, and can be finely balanced. Substantive reasons on this matter are set out in both the Officer's Report and the Council's appeal statement. In particular it is highlighted that the size of the garden for plot 1 would be too small, and that the garden for plot 2 would lack adequate privacy. Whilst the appellant may

not agree with the Council's conclusion in this respect, this does not mean that the Council has acted unreasonably.

6. I note that the proposals were subject to considerable discussion with the Council, and a previous scheme was reduced to one dwelling as a result of these. I note that the appellant considers Officers provided little in the way of reasoning or justification in these discussions. However, the necessity for the appeal is based on the Council's formal decision, not on the informal discussions and negotiations during the process. For the reasons set out above, I consider the Council has adequately substantiated the reason for refusing the proposal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified.

Alison Partington

INSPECTOR