
Costs Decision

Site visit made on 7 November 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 24 November 2017

Costs application in relation to Appeal Ref: APP/A3010/W/17/3179903 Sunnymill, Mill Lane, Rockley, Retford DN22 0QN

- 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 & Mrs Ransford for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of planning permission for improvements to existing entrance and formation of driveway to serve existing dwelling and fields and stopping up of existing entrance.
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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 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. For an application for costs to succeed, an applicant will need to demonstrate clearly how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes substantive matters such as preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
4. The application for costs relates to four substantive matters. Firstly, that the Council encouraged the applicant to submit a revised planning application, secondly that the Council misinterpreted national and local planning policy, thirdly that the Council withheld alternative suggestions and finally, that the Council failed to act in a reasonable manner.
5. With regard to the first issue, the meeting held on 5 April 2017 with Terry Wells and Bev Alderton-Sambrook is noted. However, neither party has submitted a formal record of the discussions held. Informal advice given before an application is made is given without prejudice and cannot predetermine the outcome of a subsequent application, which must take account of all material factors. As such, there is no firm basis to conclude that the informal advice given was so misleading as to amount to unreasonable behaviour on the part of the Council.

6. It is appreciated that the outcome of the application will have been a disappointment to the applicant. However, the reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of both the National Planning Policy Framework and the Bassetlaw District Local Development Framework: Core Strategies & Development Management Policies that the proposal would be in conflict with. The reasons have also been adequately substantiated by the Council in the Officer Report. The fact that the Council concluded differently to my decision on this matter does not amount to unreasonable behaviour on their part.
7. It is both necessary and appropriate for the Council to discuss possible alternative options in regard to proposals with internal consultees, such as the Highway Authority. From the submitted evidence, it is noted that following the discussions the Highway Authority confirmed the possible alternative would not have received their support. It is therefore reasonable that the Council did not consider it necessary to relay this option to the applicant. The Council has not acted unreasonably in this regard.
8. The Council's response to the application for Costs was received on time. It is however accepted that the Council's Statement of Case was submitted 2 working days late. Whilst unfortunate, it is not considered that the delay was so significant as to be unduly prejudicial to the applicant.

Conclusion

9. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and so the application for an award of costs is refused.

Helen Cassini

INSPECTOR