



Costs Decision

Hearing Held on 8 May 2018

Site visit made on 8 May 2018

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2018

Costs application in relation to Appeal Ref: APP/J4423/W/17/3185971 62, 64 and 66 High Street, Ecclesfield, Sheffield S35 9XD

- 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 BH Shield & Co for a full award of costs against Sheffield City Council.
 - The hearing was in connection with an appeal against the refusal of the Council to grant planning permission for demolition of existing retail buildings and redevelopment of site to afford 12 flats with associated car parking.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may 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 process.
3. The costs application is on the basis that the Council failed to engage with the applicant before determining the application until later in the course of the planning application, whereas discussions took place with objectors at an early stage. Moreover the applicant sought to discuss the proposals with the Council but was unable to have constructive discussions. Such discussions could have resolved many matters such as design, boundary treatments and cycle parking.
4. It would seem logical to me that the Council would need to understand the concerns of objectors before undertaking discussions with an applicant about a submitted planning application. I find no unreasonable behaviour in this respect.
5. There is some evidence of conversations and email exchanges between the applicant and the Council, although there is relatively little evidence of the content of the discussions. I find that the Council could have been more proactive and more communicative. However, I find no obligation on the Council to negotiate over a planning application which they regard to be fundamentally unacceptable in planning terms. Given my findings on the main issues of the planning appeal in terms of the principle of the proposed housing at ground floor level and the scale of the development I conclude that minor amendments to the proposal would not have overcome all the reasons for refusal of the planning application.

6. It was agreed at the Hearing that matters such as materials, boundary treatment and refuse and cycle storage could be addressed by condition. However, these matters amounted to a minor part of the appeal in the context of the other aspects of the case.
7. For the reasons set out above I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

SDHarley

INSPECTOR