



Costs Decision

Site visit made on 2 April 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2019

Costs application in relation to Appeal Ref: APP/R4408/W/18/3203411 Land at Edderthorpe Lane, Priest Croft Lane, Darfield, Barnsley S75 5EY

- 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 John Marsden for a full award of costs against Barnsley Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for erection of 8 blocks of stables/field shelters.
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Decision

1. The appeal for the award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The appellant states that the planning application was submitted based on the advice of the Local Planning Authority following an enforcement complaint. If the Local Planning Authority knew that they intended to refuse the application, then the appellant would not have spent money on the planning fee and agent fees making a planning application and could have appealed against an Enforcement Notice.
5. The Council, in response, state that the letter sent to the appellant by the Enforcement Officer gave the option of restoring the land to its previous condition or seek to regularise the breach with the submission of an application. The letter is clear in that the submission of a planning application does not imply that planning permission will automatically be granted by the Council. This position is also set out in the Planning Practice Guidance – Ensuring Effective Enforcement.
6. I find that the Council reached a rounded view in taking the decision and considered all relevant matters. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states which policies of the Local Plan at that time, that the proposal would conflict with. These reasons have been adequately substantiated by the Council in its Appeal Statement.

7. In addition, the letter sent to the appellant clearly outlines the options available, and I agree with the Council that this is wholly in keeping with the advice set out in the Planning Practice Guidance.
8. This appeal decision is, however, ultimately a matter of planning judgement. The appellant and I may have reached a different judgement to the Council but that does not make its position unreasonable.
9. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Cooper

INSPECTOR