
Costs Decision

Site visit made on 17 September 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Costs application in relation to Appeal Ref: APP/F1040/W/19/3232095 Land North of Stables Lodge, Grassy Lane, Burnaston, Derby DE65 6LN

- 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 Derby Aluminium Company Limited for a full award of costs against South Derbyshire District Council.
 - The appeal was against the refusal of planning permission for residential development for two dwellings.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 applicant's application for costs relies on the fact that they consider that the Council failed to substantiate their reason for refusal, due to a lack of evidence from a qualified landscape architect and the lack of identified harm as a result of the difference in density between the proposed development and the existing adjacent site.
4. I have had regard to the FPCR Landscape and Visual Statement and its conclusions in terms of the low landscape value of the site and its relationship with the adjoining properties. Notwithstanding the outcome of the appeal, whilst the Council have not relied on qualified landscape architects, their decision has been based on the professional opinion of the planning officers and planning department. The Council have demonstrated that they have taken the Landscape and Visual Statement into account when considering the proposed development. However, they have considered the character and appearance of the area in terms of matters such as the scale and pattern of existing development and not only the landscape characteristics of the area.
5. I find that the Council have provided adequate reasons for their decision in regard to the introduction of the built form and plot sizes and whilst my overall conclusions differ from those of the Council, I consider that the Council have not acted unreasonably when reaching their conclusions on the proposed development.

6. I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all matters raised, an award for costs is not justified.

R Norman

INSPECTOR