



Costs Decision

Site visit made on 29 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Costs application in relation to Appeal Ref: APP/P1045/D/19/3234399 Fountain House, 13 Main Street, Middleton by Wirksworth, Matlock DE4 4LQ

- 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 Andrew Street for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal of planning permission for formation of parking area, removal of section of boundary wall and erection of retaining wall.
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Decision

1. The application 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 applicant contends that the Council have prevented or delayed development that should have clearly been permitted.
5. I find that the Council has reached a rounded view in taking the decision and have considered all relevant matters. The reasons for refusal as set out in the decision notice are complete, precise, specific and relevant to the application. It clearly states which policies of the Development Plan and the relevant sections of the National Planning Policy Framework that the proposal would be in conflict with. I find that these reasons have been adequately substantiated by the Council in its submitted evidence and for reasons that I explained in my appeal decision, I agree with the Council that the proposal did not comply with the relevant local planning policies and the aims of the Framework. I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.
6. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.

7. 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.
8. 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