
Costs Decision

Site visit made on 27 November 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Costs application in relation to Appeal Ref: APP/F4410/W/19/3236983 Land At Clifton Hill, Conisbrough, Doncaster DN12 2DA

- 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 C Morte (Kilnbridge Developments Ltd) for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 9 detached 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 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 submits that the Council has acted unreasonably because it refused planning permission against the recommendation of its Officers and has failed to substantiate its reason for refusal in its defence of the appeal. The applicant has also highlighted that there was no objection to the proposed development from the Highway Authority (HA) and this is pertinent as the sole reason for refusal relates to highway matters.
4. In response, the Council has provided a commentary of the events that led to the refusal of planning permission and drawn attention to the information on which the decision was made. In addition, it has referred to the representations made by interested parties, including local Council Members and members of the public.
5. Whilst I accept that it will have been frustrating to the appellant that the Council Members took a different view to that which was recommended by their Officers, they were entitled to take this course of action and it does not represent unreasonable behaviour. Furthermore, in both reaching its decision and in defending the appeal, I consider that the Council has adequately set out and explained the areas of concern which led to its refusal of planning permission.
6. These are legitimate planning matters and ones that have a clear link to the development proposed. Whilst I have not found that the proposed development would result in harm to highway and pedestrian safety, and I note that the HA

did not raise an objection, the Council was entitled to take a contrary view. As the Council has adequately outlined its concerns and defended its position during the appeal process, it follows that I do not consider that it has acted unreasonably.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for costs fails.

Graham Wraight

INSPECTOR