The Planning Inspectorate

Costs Decision

Site visit made on 29 October 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Costs application in relation to Appeal Ref: APP/A3010/W/19/3235184
Land off Whitehouses Road, Retford, Nottinghamshire

- 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 Jon Cordall of Goosemoor Produce for a full award of costs against Bassetlaw District Council.
- The appeal was against the refusal of planning permission for the erection of a steel framed agricultural storage building and underground rainwater storage tank.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that parties in appeals normally meet their own costs. The PPG further 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. For an application to succeed, an applicant will need to demonstrate clearly how any unreasonable behaviour has also resulted in unnecessary or wasted expense.

3. The applicant submits that the Council has failed to demonstrate how the proposal would adversely affect the Conservation Area. However, the Council Officer's report gives clear reasons as why the scheme was considered unacceptable, and how its decision was reached in the light of relevant planning policies and guidance. In this regard, I do not consider that the Council has behaved unreasonably.

4. The appellant considers that the policy and guidance relied upon is out of date. Whilst the development plan dates from 2011, its age does not mean it loses its statutory standing. Nor should existing policies be considered out of date simply because they predate the National Planning Policy Framework[1]. I accept that the Conservation Area Appraisal dates from 2009 and, as a result, does not take account of recent new developments. That notwithstanding, it is still of considerable relevance in assessing proposals in the Conservation Area.

5. The appellant criticises the the Council's reference to an historic floodplain in describing the site's characteristics. However, it is clear that this comment was made by the Conservation Officer in a non-technical and historic context, and

[1] Paragraph 213

there was no suggestion by the Council that the scheme should be refused on flooding grounds, nor is it cited as a reason for refusing the planning application.

6. The appellant states that the planning application was revised following an earlier refusal of permission, to take account of comments from the Conservation Officer. Revisions include reducing the building's size, relocating it and including additional supporting information for the scheme. The appellant is critical that all this notwithstanding, the Council still refused the application. However, as is clear from my appeal decision, I do not consider the Council's refusal of permission to be unreasonable.

7. Overall, and taking into account all the appellant's submissions, I find that the Council has not acted unreasonably, nor caused unnecessary or wasted expense. I therefore conclude that an award of costs is not justified.

Jamie Reed

INSPECTOR