
Costs Decision

Site visit made on 21 November 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Costs application in relation to Appeal Ref: APP/P1045/W/19/3237333 Rear of Sunnyside Terrace, Farley Hill, Matlock DE4 5LT

- 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 Mrs M Slack for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal of planning permission for a dwelling house – revised scheme to replace permission granted on appeal ref, 17/00809/FUL.
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Decision

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

Reasons

2. The National 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 PPG sets out examples of behaviour by local planning authorities which may give rise to an award of costs¹. The appellant asserts that in this case, the following is relevant: iii) vague generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The planning committee came to a different decision to that recommended by its officers, which it was entitled to do. The Council has confirmed that committee members carried out a site visit to help understand the implications of the development. There were clearly differences in opinion expressed at the meeting, and following a lengthy discussion, a decision was made which was finely balanced but which took account of the facts of the case. The evidence provided in the Council's statement is sufficient to explain the reasoning behind the reason for refusal.
5. I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified and the application for costs is refused.

R Morgan

INSPECTOR

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306