
Costs Decision

Hearing Held on 14 January 2020

Site visit made on 14 January 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Costs application in relation to Appeal Ref: APP/A3010/W/19/3229877 Land West of Blyth Road, Harworth DN11 8NF

- 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 MLN (Land and Properties) Ltd for a full award of costs against Bassetlaw District Council.
 - The hearing was in connection with an appeal against the refusal of outline planning permission for residential development for up to 199 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. The application for costs seeks a full award on substantive grounds¹.
3. The appellant states that the Local Planning Authority (LPA) was unreasonable and the refusal was unnecessary as the proposal complies with the development plan, national policy and there were other material considerations that the LPA failed to take into account when reaching its decision. The appellant states that the LPA failed to produce evidence to substantiate its reason for refusal and the LPA's reason for refusal is vague, generalised and makes inaccurate assertions about the proposal's impact which are unsupported by any objective analysis.
4. In this case, the reason for refusal set out in the decision is complete, precise, specific and relevant to the application. It clearly states the policies of the Bassetlaw Core Strategy & Development Management Policies Development Plan Document 2011 and the Harworth and Bircotes Neighbourhood Development Plan 2015 together with the relevant sections contained in the National Planning Policy Framework (the Framework) that the proposal would be in conflict with.
5. The reason for refusal has been adequately substantiated by the LPA in its Planning Committee report. The Planning Committee report demonstrates the LPA's views on the principle of the housing development in this location having

¹ Planning Practice Guidance: Paragraph 049 Reference ID 16-049-20140306

particular regard to the local and national planning policies relating to the location of new development in the District, using the evidence submitted by the appellant, third party representations and the Council's observations.

6. The LPA's Planning Committee report, however, did not acknowledge the appellant's arguments regarding the age of the relevant local plan policies and their degree of consistency with the Framework and could be judged to have failed in this respect. Nevertheless, the extent of consistency of the relevant policies with the Framework was considered in the LPA appeal submissions. Whilst differing views were presented by the LPA on this matter, based on latest relevant evidence and information including housing land supply, appeal decisions and other material considerations, I do not consider that the LPA has acted unreasonably in this regard.
7. The appellant also states that the LPA has been inconsistent in its approach to other similar cases and in its approach to the relevant local plan policies and the application of the tilted balance in Paragraph 11 of the Framework. However, the general approach to other applications for residential development outside the settlement boundary was acknowledged in the LPA's appeal statement, LPA's presentation at the hearing and their response to this costs application. I am satisfied as such that this had been taken into consideration. However, it is important that each application and appeal should be determined on its own merits.
8. The appellant states that the LPA was unreasonable in its consideration and approach on this appeal in light of the resubmission of an identical residential development on the appeal site². However, this subsequent application and the costs associated with it are not matters to which I can give significant weight in my decision on this appeal.
9. The LPA's submission and supporting evidence clearly shows that the LPA actively engaged with the appellant during the pre-application and application process and carried out their duty to assess the development proposal as submitted. Based on the evidence before me, I do not consider that the LPA has acted unreasonably in this regard.
10. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

David Troy

INSPECTOR

² 19/01059/OUT