



Costs Decision

Site visit made on 30 January 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Costs application in relation to Appeal Ref: APP/A3010/W/19/3241507 Wembley Lodge, Wembley Road, Langold S81 9SP

- 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 Ms Gaffney for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of planning permission to construct a modest single storey dwelling on disused land adjacent to No.25 Doncaster Road with primary access off Wembley Road and provision for off road parking to the site and introduce a vehicular crossover and hardstanding to the frontage of No.25 Doncaster Road.
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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 is seeking an award of costs in relation to additional consultants' fees largely due to the Council advising that the principal of a dwelling on the site would be acceptable, and then not engaging with the applicant following the submission of a planning application.
4. The applicant states that, following the refusal of outline planning permission for a dwelling on the appeal site, the Council advised, via a telephone conversation on 6 March 2019, that the principal of a dwelling on the site could be accommodated. The Council states that the Officer did not invite an application.
5. Whatever the details of the conversation, I have no reason to suggest the alleged advice was anything other than informal advice that would not, in any case, have prejudiced the Council's decision on a subsequent planning application. While I accept that the applicant may not have continued working on the application if the advice had not been encouraging, the Council offers a formal, paid for, pre-application service which on this occasion was not pursued by the applicant. The National Planning Policy Framework (the Framework) encourages the take up of pre-application services offered by Councils. Therefore, the Council did not act unreasonably in this matter.

6. The Framework also states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. The Case Officer contacted the appellant seven weeks after the application was deemed valid to advise it was recommended for refusal. Following which the applicant, via her agent, sought to extend the determination period to allow for discussion. However, the Council considered that the reason for refusal could not be overcome and the application was refused.
7. While I appreciate that the applicant may be frustrated by the process, and the lack of engagement in the earlier stages of the application, the Council produced a cogent report and decision notice which detailed the reasons for refusal. I am satisfied that it advanced a case that, in its opinion, indicated that the proposal was contrary to the development plan and the Framework. Indeed, I have agreed with the Council. Consequently, the Council did not act unreasonably in this matter.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

Zoe Raygen

INSPECTOR