



Costs Decision

Site visit made on 17 February 2020 by Darren Ellis MPlan

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2020

Costs application in relation to Appeal Ref: APP/F4410/D/19/3239939 Grindlewald, Low Road, Conisbrough, Doncaster DN12 3ER

- 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 Doncaster Metropolitan Borough Council for a partial award of costs against Mr & Mrs Crawshaw.
 - The appeal was against the refusal of planning permission for a dropped kerb.
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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 only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG advises that appellants are at risk of an award of costs for introducing fresh and substantial evidence at a late stage necessitating extra expense for preparatory work that would not otherwise have arisen.
4. The appeal followed the Householder Appeal Service route which does not allow the Council an opportunity to comment on the appellant's case. However, in this particular case the Council considered that the appellant submitted evidence with their appeal statement that was not submitted as part of the original application, and that this evidence required the Council's consideration and comments from their highways and conservation officers.
5. The evidence consists of photographs of the appeal site and surrounding area (Appendices 3, 8 and 9), a location map showing where the photographs were taken (unnamed annotated Google Map plan), a document showing the size of cars (Appendix 4), two documents showing a swept path analysis (Appendices 5 and 6), and a document detailing the EcoGrid Ground Reinforcement System (Appendix 7).
6. The Council noticed this evidence after the period for an application for costs to be made has expired. While the appellant questions the Council's actions in raising the issue at such a late stage, given the circumstances I consider that there is good reason for having made the application late.
7. The photographs show details that would have been visible to Council officers during a site visit, and the submission of these photographs with the

- appellant's statement does not constitute fresh evidence that would have specifically warranted the Council's consideration and comments. The appellant has therefore not acted unreasonably with respect to the submission of the photographs and the location map of where the photographs were taken.
8. The document showing the size of cars and the swept path analysis documents are dated 13th August 2019 and 1st September 2019 respectively, which is after the decision notice was issued on 8th August 2019. The document detailing the EcoGrid Ground Reinforcement System attempts to respond to the Council's concerns regarding the surface of the driveway as referred to in the officer's report.
 9. I accept therefore that fresh evidence was submitted at a late stage in the context of this appeal. However, while noting the Council's statement of costs, the evidence submitted in my opinion is not substantive; appendices 4 and 7 are merely print outs showing the length of certain types of cars and the specification of the proposed ground covering respectively. Appendices 5 & 6 show swept path analysis. However, these are simple drawings and there is no analysis set by them. I am not convinced therefore that such evidence is substantial.
 10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J Hockley

INSPECTOR