
Costs Decision

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2020

**Costs application in relation to Appeal Ref: APP/P1045/W/19/3241930
Darley Hillside Methodist Church, Moor Lane, Darley Dale DE4 2HG**

- 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 Simon Heslop for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal of planning permission for the proposed alterations and extension and change of use and alteration of vehicular access of former Methodist church to form single dwelling unit.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 PPG indicates that local planning authorities are at risk of an award of costs if they behave unreasonably by delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant submits that the Council has acted unreasonably in regard to a substantive matter in that it has misapplied Policy HC15 of the Derbyshire Dales Local Plan (adopted 2017) in its determination and that the applicant has provided sufficient evidence to comply with the requirements of this policy. This has resulted in the applicant needing to appeal the decision. The Council has defended itself in relation to the allegations presented.
5. In terms of the substantive matter, the applicant's appeal submission sought to specifically address the issue in dispute which related to the interpretation of the wording of Policy HC15. I have summarised the matter in dispute within the main issue in my appeal decision.
6. Whilst I recognise that the applicant has provided evidence in support of the appeal, the Council did seek to substantiate its position. Moreover, the Council clearly stated that it considered the proposal did not comply with any of the criteria within Policy HC15 and offered a detailed explanation as to why.
7. I recognise that the Council offered no real explanation as to why the word 'or' forms a clear part of the criteria list within Policy HC15 if it is the intention that a proposal must comply with all 3 criteria as the Council stated in paragraph

- 3.1 of its Statement of Case. However, notwithstanding this interpretation of the wording of Policy HC15, it can be seen from my decision that I agree with the Council that sufficient evidence had not been provided to justify the permanent loss of the community facility. As such, whilst my interpretation of Policy HC15 differs from the Council's my conclusion is the same.
8. Moreover, it is not unreasonable for the Council to make an assessment on the evidence provided by the appellant, as this exercises a certain amount of subjective judgement. It was substantiated within the Officer's report. As such, I do not agree that the Council acted unreasonably in refusing the application on this basis. I confirm in this regard that I have made my own assessment on this matter.
9. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Robert Walker

INSPECTOR