



Costs Decision

Site visit made on 20 May 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2020

Costs application in relation to Appeal Ref: APP/J4423/W/20/3246509 5 Cemetery Avenue, Sheffield S11 8NT

- 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 Andrew Graham for a full award of costs against Sheffield City Council.
 - The appeal was against the refusal of planning permission for the demolition of existing front dormer window and replacement with new pitched dormer window, plus new internal partitions.
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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. Paragraph 049 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failures to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant submits that the Council has acted unreasonably as it has completely disregarded similar development to the appeal scheme, along Cemetery Avenue, which has become a typical characteristic of the road and the wider area over a number of years. Thus, the applicant considers that the appeal scheme accords with the Council's own design guidelines. Additionally, the applicant is concerned that the refusal of the planning application is inconsistent with other approved schemes in the locality.
5. In this case I have noted the comments in the Officer Report, and it is evident that consideration was given to other similar development in the surrounding area. I find that the reason for the refusal set out in the Council's decision notice is complete, precise, specific and relevant to the application. It will be seen from my decision that I agree with the Council's refusal. I find that the decision was a matter of judgement based on the evidence before the Council and they took into account the development plan and guidance within the

Council's Designing House Extensions Supplementary Planning Guidance. I am satisfied that the Council adequately substantiated its reason for refusal. In this case the appeal could not therefore have been avoided.

6. I consider the expenses incurred in submitting the appeal were reasonably expected and necessary. Consequently, I find no procedural nor substantive grounds for an award of costs. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated.

Conclusion

7. For the reasons given above, I conclude that a full award of costs is not justified.

W Johnson

INSPECTOR