
Costs Decision

Site visit made on 29 June 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Costs application in relation to Appeal Ref: APP/F4410/W/20/3245324 Chateau Renee, Sutton Road, Campsall, Doncaster DN6 9AN

- 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 Matthew Dale for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for proposal described as "construction of 1no house at Sutton Road, Campsall, Doncaster DN6 9AN."
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Decision

1. The application for an award of costs is allowed, in the terms set out below.

Reasons

2. Paragraph 030 of 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 makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. Whilst the Council is not duty bound to follow advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. In this case, the Council's Highways Officer had not raised any objections to the proposal. The Council have relied primarily on evidence submitted by local residents and a collision that nearly occurred at the site visit. This evidence is vague and the alleged harm to highway safety has not been substantiated by any clear evidence supported by objective analysis.
5. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the proposal should reasonably have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the guidance in the PPG and the appellant has been faced with the unnecessary expense of lodging the appeal.
6. The Council have indicated that the appellants Access Appraisal Technical Note refers to evidence that relies on a "snapshot" in time. This Technical Note has

not been challenged as the Council has not been able to conduct its own technical exercise. This matter, however, does not alter my findings above.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Doncaster Metropolitan Borough Council shall pay to Mr Matthew Dale the costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Chris Baxter

INSPECTOR