



Costs Decision

Site visit made on 7 July 2020

by Patrick Hanna MSc MRTPI

19an Inspector appointed by the Secretary of State

Decision date: 15 July 2020

Costs application in relation to Appeal Ref: APP/J4423/W/19/3243788 Little Intake Farm, Woodhead Road, Grenoside, Sheffield S35 8QD

- 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 Mark Boulby for a full award of costs against Sheffield City Council.
 - The appeal was against the refusal of planning permission for change of use from grazing land to campsite and conversion of redundant agricultural buildings and construction of one building to provide associated facilities.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) states that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities 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 consideration; and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The application proposal was identified as a minor development that should have been determined by the Council within 8 weeks. However, submissions indicate that it took the Council in excess of 2 years to reach a final decision on the proposal. Even though there is evidence of the Council seeking agreement to extend the period for deciding the application, there is little doubt that this is a very extensive delay that has caused a great deal of uncertainty not only for the appellant but also for the local community with interest in the proposal.
5. However, the PPG is clear that delay only constitutes unreasonable behaviour where the application should clearly be permitted. It is evident from email correspondence in respect of amendments and requests for additional information, that this was far from being a clear-cut case, despite the fact that officers ultimately recommended support for the proposal. The lack of clear policy compliance is further reflected in elected members reaching a different view to their officers, which, it will be seen from my appeal decision, I agree

- with. Furthermore, it is incumbent upon Councils to work with the appellant to try and overcome problems arising from the proposal, notwithstanding that the application should have been determined more quickly than it was.
6. The applicant considers that the Council acted unreasonably by erring in their interpretation of inappropriate development in the Green Belt as defined in national policy. However, regardless of whether particular elements of the proposal are assessed against paragraph 145 or 146 of the National Planning Policy Framework, in this instance the assessment relies on a test of openness, which is a matter of planning judgement, as is the weight to be given to any benefits or very special circumstances. That members reached a different view to their officers on inappropriateness by way of openness is not unreasonable so long as that decision can be supported by objective analysis. It follows that it can, given my own decision on this matter.
 7. The PPG at paragraph 032 states that awards of costs cannot extend to compensation for indirect losses, which would include the claimed lost trading income. The return of the application fee after 26 weeks under the planning guarantee is a matter for the parties, not for this costs application. Overall, I find that, even though the delay in determining the application was overly long, the proposal was not one which should clearly be permitted. Therefore, the delay does not represent unreasonable behaviour as set out in the PPG.
 8. The applicant also considers that the refusal on highway safety grounds was unreasonable, given the professional advice provided to Council members. However, on the basis of the wording of the reason for refusal, along with the accompanying appeal submissions, it is clear to me that Council members had very particular and specific concerns relating to manoeuvrability of caravans and trailers at the point of access during busy times. Accordingly, the Council's assertions about the proposal's impact were not vague, generalised or inaccurate.
 9. Furthermore, before reaching that decision, members deferred the application for a site visit. Whilst there is no evidence before me to indicate how the site visit influenced the decision, or the extent of discussion on the Transport Assessment at the committee meeting, there is also nothing to suggest that the decision was reached other than on the basis of proper analysis.
 10. No evidence has been submitted to demonstrate that insufficient weight was afforded to representations in support of the proposal and, in any case, it is for the decision maker to decide what weight to give to any matters raised.
 11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

Patrick Hanna

INSPECTOR