



Ministry of Housing,
Communities &
Local Government

Alan Redmond
Environmental Services Department
Amber Valley Borough Council
Town Hall
Ripley
Derbyshire
DE5 3BT

Our ref: APP/M1005/W/18/3204843

29 July 2020

Dear Sir,

**LOCAL GOVERNMENT ACT 1972 – SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 78 AND 320
APPEAL MADE BY MESSRS C & K BALL
LAND FRONTING CRICH LANE, BETWEEN HOUSE NO. 202 AND 204, BELPER,
DERBYSHIRE, DE56 1EP
APPLICATION: REF AVA/2016/1020**

APPLICATION FOR AN AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letter notifying his decision on the appeal as listed above.
2. This letter deals with your application for a full award of costs against the developers. The application as submitted and the developer's response are recorded in the Inspector's Costs Report, a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's Costs Report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions are stated at CR13–19. She recommended that your application for a full award of costs be refused.

Jean Nowak, Decision Officer
Planning Casework Unit
Ministry of Housing, Communities & Local Government
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London, SW1P 4DF

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5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in his report and accepts her recommendation. Accordingly, he has decided that a full award of costs against the developer, on grounds of 'unreasonable behaviour', is not justified in the particular circumstances. The application is therefore refused.
6. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the Costs decision.
7. A copy of this letter has been sent to the developer.

Yours faithfully,

Jean Nowak

Jean Nowak
Authorised by the Secretary of State to sign in that behalf