



Ministry of Housing,
Communities &
Local Government

Bob Wollard
Planning and Design Group (UK) Ltd
Pure Offices
Lake View Drive
Sherwood Park
Nottingham
NG15 0DT

Our ref: APP/M1005/W/17/3188009

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 WHEELDON BROTHERS LTD
WHITEHOUSE FARM, 153 BELPER LANE, HILLTOP, BELPER DE56 2UJ
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 client's application for a full award of costs against the Council. The application as submitted and the Council'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 CR16–24. He recommended that your client's application for a full award of costs be refused.

Jean Nowak, Decision Officer
Planning Casework Unit
Ministry of Housing, Communities & Local Government
3rd Floor, Fry Building
2 Marsham Street
London, SW1P 4DF

Tel 0303 444 1626
Email: PCC@communities.gov.uk

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 his recommendation. Accordingly, he has decided that a full award of costs against the Council, 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 Council.

Yours faithfully,

Jean Nowak

Decision Officer

Authorised by the Secretary of State to sign in that behalf