
Costs Decision

Site visit made on 29 July 2020 and 27 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Costs application in relation to Appeal Ref: APP/P4415/D/20/3249436 15 Eastwood Mount, Clifton, Rotherham S65 2TF

- 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 Naheem Khan for a full award of costs against Rotherham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a single storey rear extension, front balcony extension and raising of roof to form rooms within roof.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. The applicant considers that the Council unreasonably refused the application for which planning permission should have been granted, has failed to substantiate their reasons for refusal and caused the applicant unnecessary expense. The applicant also contends that the Council have delayed a development that should have otherwise been permitted.
4. Although it can be seen from my decision that I disagree with the Council's decision, I find that they did not act unreasonably in refusing planning permission. I consider that the Council provided a reasonable and objective analysis to substantiate its reason for refusal in this regard.
5. The applicant provided Daylight and Overshadowing Assessments in support of the proposal. The Council, in considering the findings of the assessments, did not subsequently refuse permission on the basis of the effect of the development on daylight or overshadowing. I therefore do not consider this to be unreasonable behaviour.
6. The applicant considers that the Council did not give consideration to the fact that the existing separation distance was being maintained and that there would be no increase in the mass of the first floor. I consider that whether or not these matters were explicitly mentioned does not represent unreasonable behaviour in this instance. It is clear from the Council's case what element of the proposal they deemed to be unacceptable and the reasons why they

considered this element of the proposal to be unacceptable. I therefore do not consider this to be unreasonable behaviour.

7. In terms of the alleged delay, the date of registration of the planning application and the date of the decision to refuse planning permission does not suggest that there was any unreasonable delay. Any delay caused by reason of lodging the appeal is not deemed to be unreasonable.
8. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated. Therefore, the applicants' claim for costs fails.

A M Nilsson

INSPECTOR