
Costs Decision

Site visit made on 7 August 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Costs application in relation to Appeal Ref: APP/M9496/W/20/3245444 Land north west of Main Road, Taddington, Buxton SK17 9UF

- 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 S Smith for a full award of costs against Peak District National Park Authority.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for an agricultural building to house livestock.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. Paragraph 048 of the Guidance says that a local planning authority should give the applicant a proper explanation if it will fail to determine an application within the time limits. In this case, the applicant says that there was a 4 month delay following the validation of the application, with no explanation or request for a time extension. In light of this, an appeal against non-determination was lodged.
4. The Authority has explained that it was unable to make the decision within the time limits due to staff absences, and has apologised for the delay. Whilst the lack of contact and progress during the application stage is likely to have caused frustration, it appears that the delay was a result of resources being particularly stretched at the time, a situation which, unfortunately, was not made clear to the applicant at the time.
5. In its statement the Authority has provided a detailed assessment of the proposal, with clear reasons as to why it would not have granted planning permission. In assessing the appeal, I have found the Authority's assessment of the case to be thorough and reasonable and, in dismissing the appeal, have generally agreed with their findings.
6. It is clear that, even if the application had been determined within the time limits, it is likely to have been refused, so an appeal would not have been avoided. Costs associated with the appeal would still have been incurred.

7. I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified and the application for costs is refused.

R Morgan

INSPECTOR