



Costs Decision

Site visit made on 27 July 2020 by Darren Ellis MPlan

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2020

Costs application in relation to Appeal Ref: APP/N3020/W/20/3252611 Land to the Rear of 14 Main Street, Linby, Nottingham, NG15 8AE

- 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 Chris Chambers for a full award of costs against Gedling Borough Council.
 - The appeal was against the refusal of planning permission for Alterations Including Demolition of Existing Eastern Gable Wall and Extensions to Detached Garage to Form a New Dwelling; Alteration to Boundary Treatment by Removal of Existing Fence Along Northern Boundary and Construction of New Wall to Western Boundary.
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Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (PPG) advises that costs may only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The PPG advises that a local planning authority is at risk of an award of costs for a lack of co-operation with the other party; or preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. During the original application, the concerns and comments of the Council's conservation officer were relayed to the appellant, which led to amended proposals being submitted that would have been beneficial to the appellant in the overall assessment of the planning balance of the scheme.
6. The appellant's planning statement, which was submitted with the original application, included a breakdown of the national and local policies that were relevant to the proposal. I can understand the appellant's surprise for the application to be refused for reasons that had not been mentioned to him. However, while the policy consultee comments were not volunteered to the appellant during the application stage, given the nature of the reasons for

refusal it has not been demonstrated that the provision of the policy consultee comments or a discussion of the Council's concerns would have led to an amended scheme that would have been acceptable.

7. The Council has explained that the CIL officer and processes are separate from the decision-making process and that the provision of a CIL Assumption of Liability form has no bearing on the decision-making process.
8. Notwithstanding my decision on the planning appeal, the Council clearly justified their reasoning behind the national and local policies that were applicable in this case. It seems to me that in this case there was a fundamental disagreement between the parties that could have only been resolved at appeal.
9. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Appeals Planning Officer

Darren Ellis

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Susan Ashworth

INSPECTOR