



Costs Decision

Site visit made on 18 August 2020 by Andreea Spataru BA (Hons) MA

Decision by George Baird

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

Decision date: 19 October 2020

Costs application in relation to Appeal Ref: APP/P3040/W/20/3249271 29 Stanton Lane, Stanton on the Wolds NG12 5BE

- 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 & Mrs Darren and Alison Haynes for a full award of costs against Rushcliffe Borough Council.
 - The appeal was against the refusal of planning permission for the proposed development described as “new dwelling with side courtyard”.
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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, irrespective of the outcome of the appeal, 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.
 4. The Guidance also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
 5. The key arguments are that the Green Belt issue was reported late in the application process and that the Council’s decision was based on vague and generalised assertions, which did not fully engage the Council’s own assessment criteria. The Council also failed to provide clarification for some of their statements.
 6. Whilst the Green Belt issue was not identified earlier in the application process, the appellants have been given the chance to provide their comments on this matter. The Council’s assessment regarding the Green Belt issue was sufficiently robust as to justify their decision. The fact that the Council did not
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fully engage with their Green Belt Assessment Matrix does not make their decision unjustifiable, as their process followed the assessment outlined within the Framework. Likewise, the lack of clarification for some of the statements did not change the Council's final decision.

7. Accordingly, I am satisfied that the Council's decision was clearly supported with substantive reasons based on the assessment of the site and interpretation of relevant policies. Consequently, I cannot find this as unreasonable behaviour on the Council's part.

Conclusion

8. With the above in mind, I find that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs, either in whole or in part, is not therefore justified and accordingly it is hereby recommended for refusal.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

9. 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.

George Baird

INSPECTOR