
Costs Decision

Site visit made on 14 October 2020

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Costs application in relation to Appeal Ref: APP/R4408/C/20/3255317 Land at South Grove House, Hoyland, Barnsley, S74 9DY

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Dale Fox for a full award of costs against Barnsley Metropolitan Borough Council.
 - The appeal was against an enforcement notice alleging the erection of a building materially different to that approved.
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Decision

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

Reasons

2. The applicant claims the Council unreasonably 'steamed in' with an enforcement notice, having failed to respond to attempts to speak about the garage and to discuss alternatives to complete demolition.
3. The Council justifies its action as being justified by the outcome of the dismissed appeal in May 2020 (Ref: APP/R4408/D/19/3239149) against the refusal of a retrospective application for the unauthorised development. In any event, the notice does not simply require demolition, it gives the option of carrying out the scheme that was earlier approved on site. The Council has no record of attempts by an agent of the applicant to make contact.
4. The Planning Practice Guidance [PPG] 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.
5. In this case, it was clear from the dismissed appeal that the building as actually erected was not acceptable. I have seen no indication that an alternative scheme was submitted to the Council subsequent to the dismissal of the appeal in May 2020. Certainly, there was no such alternative before me in the current appeal, and no ground (a) appeal was made which would have permitted me to consider any such alternative.
6. The Council provided cogent evidence to justify its case and I have seen no reason to regard its behaviour as unreasonable. The application fails.

B.S.Rogers

Inspector