



Costs Decision

Site visit made on 24 November 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Costs application in relation to Appeal Ref: APP/J4423/D/20/3262442 5 Cemetery Avenue, Sheffield S11 8NT

- 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 Nick Morris (Smart Property) for a full award of costs against Sheffield City Council.
 - The appeal was against the refusal of planning permission for retention and alterations to previously installed front dormer extension.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant states that the Council have not given due regard to the previous Inspector's comments regarding the established character of the street scene on Cemetery Avenue and have acted unreasonably in refusing the application despite the proposals being a continuation of the established character of the street scene.
5. In this case I have noted the extensive assessment in the Officer Report and it is clear that both the Inspector's comments and consideration of other development in the surrounding area were taken into account.
6. I find the Council's Decision Notice is complete, precise, specific and relevant to the application. Whilst I may not have agreed with the Council's judgement, I find that the judgement was based on the evidence in front of the Council and took into account policies in the Development Plan and other guidance. The Council substantiated its reason for refusal, even though I disagreed with its conclusion.
7. I consider the expenses incurred in submitting the appeal were reasonably expected and necessary. Consequently, I find no procedural nor substantive grounds for an award of costs. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated.

Conclusion

8. For the reasons given above, I conclude that an award of costs is not justified.

Paul Cooper

INSPECTOR