

Costs Decision

Site visit made on 25 November 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2020

Costs application in relation to Appeal Ref: APP/A3010/W/20/3258241 Car Park, Plantation Hill, Worksop S81 0AZ

- 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 Wes Hague of A Shade Greener Ltd for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of planning permission for development described as "Construction of 20no apartments and associated parking together with new vehicular access - in amendment to planning application 19/00984/FUL previously withdrawn."
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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) 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.
3. Paragraph 047 of the PPG states that examples of unreasonable behaviour by local planning authorities in terms of procedural matters include lack of co-operation, delay in providing information and only supplying relevant information at appeal when it was previously requested, but not provided, at application stage.
4. Paragraph 049 of the PPG also states local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples of this can include failing to produce evidence to substantiate each reason for refusal.
5. The appellant has indicated that there was a lack of communication and poor administration from the local planning authority. The appellant states that there was no feedback or opportunity to make revisions to the scheme despite the appellants consultant team taking time to contact the local planning authority. The appellant also claims that the delegated report was not made available, correspondence was sent to the incorrect planning consultant and that the submission of appeal documents were late.
6. In response to these claims, the local planning authority have stated that the publication of the delegated report was an oversight. I therefore find that the local planning authority have acted unreasonable in this instance however, these matters would not have prevented the submission of the appeal. There is

also no substantial evidence before me to indicate that the appellant has incurred any additional expense as a result of these matters.

7. It will be seen from my decision that I consider some of the main issues of the proposal to be in accordance with parts of the development plan. Some of these issues, including character and appearance and effects on living conditions are subjective in matter, and the local planning authority's delegated officer report clearly discuss why they consider the proposals are unacceptable in relation to the development plan. I am therefore satisfied that the local planning authority have not acted unreasonably and has shown that it was able to substantiate its reasons for refusal.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Chris Baxter

INSPECTOR