



Costs Decision

Site visit made on 26 October 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: 17 December 2020

Costs application in relation to Appeal Ref: APP/Q3060/D/20/3257480 259 Derby Road, Nottingham, NG7 2DP

- 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 Mrs Margaret Mole for a full award of costs against Nottingham City Council.
 - The appeal was against the refusal of planning permission for a rear ground floor extension to the existing kitchen/dining area and rear second floor extension to add a bathroom and WC.
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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 for 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. The application for costs is made broadly on that basis.
5. The appellant states that the Council's concerns regarding the proposal were not shared with the appellant prior to the application being refused. However, given the nature of the reasons for refusal it has not been demonstrated that sharing these concerns would have led to an amended scheme that would have been acceptable to the Council. I acknowledge the appellant's point that the Council's claim that the extensions may be required for licensing purposes could have been resolved by better communication, but nevertheless this point had a limited bearing on the main issue and did not, in itself, result in the refusal of permission.
6. Notwithstanding my recommendation on the planning appeal, the Council clearly outlined, in its delegated report, the national and local policies that were

applicable in this case and provided their reasoning for refusing planning permission. Whilst I disagree with their assessment in this case, the Council's reasoning on whether the proposed extensions would allow the property to be returned to family housing in the future, to maintain balanced and mixed communities, was set out, albeit briefly, in the officer report and was made with regard to the aims of the relevant policies. I can therefore find no unreasonable behaviour in that respect.

7. It seems to me that in this case there was a fundamental disagreement between the parties that could have only been resolved by appeal.
8. 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

D Ellis

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.

S Ashworth

INSPECTOR