The Planning Inspectorate

Costs Decision

Site visit made on 4 January 2021 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Costs application in relation to Appeal Ref: APP/H1033/W/20/3259406
Land at Chapel Lane, Hadfield, Glossop SK13 1NU

- 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 J Gilbertson (Gilby Homes Ltd) for a full award of costs against High Peak Borough Council.
- The appeal was against the refusal to grant consent, agreement or approval to details required by a condition of an application for outline planning permission with some matters reserved (except access and layout) for the erection of 9 dwellinghouses PK/2016/0063.

Decision

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

Reasons

2. The application for an award of costs was submitted in writing and, although the Council did not respond to the application, the content will be familiar to both parties. Consequently, I shall not repeat the submission in full within this decision.

3. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.

4. The applicant seeks a full award of costs on the basis that the Council has behaved unreasonably which has resulted in unnecessary and wasted expense in the appeal. The applicant states that they have incurred professional fees in having to appeal the decision.

5. The applicant considers that the Council failed to consider the merits of the roof tile in its local context where there are a mix of materials. They state that the Council did not undertake an assessment in line with paragraph 3.7.2 of the High Peak Borough Council Residential Design Supplementary Planning Document (2005) (SPD). Consequently, the applicant contends that the Council has failed to substantiate its reason for refusal as they have failed to assess the proposed roof tile on its planning merits and in accordance with the SPD.

6. It is clear that the Council had genuine concerns relating to the roof tiles. The application required an exercise of planning judgement and the associated appeal decision found favour with the appellant's case. Whilst the Council did not clearly assess the scheme against paragraph 3.7.2 of the SPD, the Officer's Report was clear and sufficient evidence was submitted to support the Council's policy stance. The reason for refusal was not unreasonable.

7. The applicant has not shown that the Council's refusal of planning permission was unreasonable. In the absence of any unreasonable behaviour there are no grounds for an award of costs and a full or partial award is unjustified.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report, for all the above reasons, I concur that this application should be refused.

Chris Preston

INSPECTOR