



Costs Decision

Site visit made on 13 January 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2021

Costs application in relation to Appeal Ref: APP/M1005/W/20/3260948 Chevin Quarry Lodge, Firestone, Hazelwood, Belper DE56 4AE

- 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 & Mrs R Halhead for a full award of costs against Amber Valley Borough Council.
 - The appeal was against the refusal of planning permission for proposed dwelling.
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Decision

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

Reasons

2. 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. The PPG provides that 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, for example, by 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.
3. The appellant contends that the Council failed to recognise that the development was in a village and would accord with the development plan and national policy. However, I have found that the pattern of development confirms that the site is undoubtedly in the countryside. I have also concluded that the proposal would be inappropriate development in the Green Belt and would clearly conflict with the relevant policy of the Hazelwood Neighbourhood Plan (made 2016) and the National Planning Policy Framework.
4. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR