
Costs Decision

Site visit made on 16 December 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2021

Costs application in relation to Appeal Ref: APP/M9496/D/20/3258914 The Stables, Froggatt Edge, Calver S32 3ZJ

- 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 S Hardwick for a full award of costs against Peak District National Park Authority.
 - The appeal was against the refusal of planning permission for development described as a two storey extension to the rear/east elevation of former restricted use property (Chequers Inn Staff accommodation) on footprint of the allowed single storey extension.
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Decision

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

The submission by Mr S Hardwick

2. The applicant has alleged the Authority's misfeasance in public office through untruths and misinformation and in particular about the validity of plans relating to a single storey extension and the heritage status of the site in order to refuse the planning application subject to the appeal before me.

The response by Peak District National Park Authority

3. The Authority has rejected the applicant's claims and have stated that they are unfounded and vexatious. The Authority has advanced that the applicant has continued to raise matters that are irrelevant to the appeal and no evidence of unreasonable behaviour has been submitted in respect of this application or appeal. It is requested that the applicant's claim for costs is rejected.

Reasons

4. It is clear from the appeal submissions that the appeal site has been the subject of ongoing disputes between the main parties. Whilst the allegations made by the applicant are serious, this appeal was lodged in relation to the refusal of planning permission and my examination has necessarily extended to the planning merits of the appeal proposal only.
5. For the reasons set out in the appeal decision, I have concurred with the Authority regarding the effect of the appeal proposal on the character and appearance of the appeal property, with particular regard to the scale and design of the proposed extension and its adverse effect on the setting of a listed building.

6. Whether or not the listing extends to the appeal property would not have altered the outcome of the appeal. Furthermore, the fallback position advanced did not justify the harm that I have identified. The unreasonable behaviour alleged by the applicant does not in itself relate to those determinative matters or any unreasonableness by the Authority during the course of the appeal.

Conclusion

7. For the reasons given above, I do not find that unreasonable behaviour from the Authority on substantive grounds, as described in the Planning Practice Guidance (PPG) is evident. Consequently, neither has any unnecessary expense in terms of the preparation and submission of the relevant appeal occurred.
8. As the relevant tests set out in the PPG in respect to the determination of costs applications have not been met, I conclude that an award for costs is not justified.

C Dillon

INSPECTOR