



## Costs Decision

Site visit made on 10 August 2021

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 August 2021**

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### **Costs application in relation to Appeal Ref: APP/P3040/W/21/3273449 Land NE of Manor Farm, Lordship Lane, Orston, Nottingham NG13 9NA**

- 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 Tony McKenna (Homelink Properties Ltd) for a full award of costs against Rushcliffe Borough Council.
  - The appeal was against the refusal of planning permission for the conversion of two barns to form three dwellings, the conversion of a further barn to form a fourth dwelling and the demolition of two dilapidated barn structures with access, parking, landscaping and associated works.
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### **Decision**

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

### **Reasons**

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant states that the Council made unreasonable judgements regarding the proximity to the settlement, in contradiction of previous advice and also disregarded the advice of a consultee (Conservation Officer) when reaching their decision.
5. The Council states that the Local Policy position has changed since that previous advice was given and that applicants are advised that pre-application advice should not be relied upon after more than one year, or if there are significant changes to policy. In relation to consultee advice, those comments are to inform the planning officer, and the final decision is based on planning reasons, and assessment with compliance of relevant planning policies.
6. In this case I have noted the recommendations of the Consultees of the Council. However, the decision is one which is a matter of judgement. The Council Officers are ultimately responsible for making the decision and take into account the advice given by consultees, but the decision is made by the Planner, not by the consultee.

7. I find that the Council reached a rounded view in taking the decision and considered all relevant matters. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states which policies of the Local Plan and the Guidance set out in the National Planning Policy Framework that the proposal would be in conflict with. This reason has been adequately substantiated by the Council in its Appeal Statement.
8. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Paul Cooper*

INSPECTOR