



Costs Decision

Site visit made on 7 September 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Costs application in relation to Appeal Ref: APP/N3020/D/21/3276987 241 Mansfield Road, Arnold NG5 8LS

- 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 Peter Gill against the decision of Gedling Borough Council.
 - The appeal was against the refusal of planning permission to demolish existing garages and erect triple garage.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).
3. In summary, the applicant considers a full award of costs is justified as he considers the Council behaved in an unacceptable and unprofessional manner in dealing with the application. The applicant considers that Council Officers were difficult to contact, that feedback indicating the planning application was likely to be refused was provided very late in the process, that the Council did not engage constructively with him or his agent throughout the process (contrary to the advice in paragraph 38 of the National Planning Policy Framework), and that he was not given any opportunity to engage in dialogue before the Council issued its Decision Notice.
4. A meeting took place on site between the applicant and a Council Officer after the planning application had been determined and following complaints by the appellant to the Council. The appellant considers that the meeting on site was not constructive and did not provide a satisfactory way forward. As such, the appellant considers he had no option but to appeal the Council's decision.
5. In summary, the Council's response to the applicant's assertions is that an apology was provided for the delay in determining the application, that the reasons for refusal were fully explained at the site meeting, and that differences of opinion between the appellant and the Council regarding the refused proposal resulted in the Council considering that its concerns could not be readily overcome.

6. Notwithstanding my decision regarding the appeal, the issue is whether the Council behaved unreasonably in refusing planning permission for the proposal. Although I appreciate the applicant is dissatisfied with the quality of service received from the Council, this is a matter between him and the Council and one which I consider has not affected the Council's decision.
7. Although the applicant considers the proposal is one the Council should not have refused, this is an opinion. The Council had every right to exercise its judgement in appraising the application against development plan policies and taking account of other material considerations. I therefore consider that the Council did not behave unreasonably in refusing planning application Ref 2020/1267.
8. For the reasons outlined, I therefore conclude that it has not been demonstrated that the Council behaved unreasonably in respect of any substantive or procedural matters associated with the determination of application Ref 2020/1267. Consequently, there has not been any unreasonable behaviour which caused the applicant to incur unnecessary or wasted expense in the appeal process, as described in the PPG. Therefore, an award of costs is not justified.

J Williamson

INSPECTOR