



Costs Decision

Site visit made on 19 October 2021 by Darren Ellis MPlan

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2022

Costs application in relation to Appeal Ref: APP/J3015/D/21/3277784 29 Rivergreen Crescent, Bramcote, NG9 3ET

- 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 Selina Watmore for a full award of costs against Broxtowe Borough Council.
 - The appeal was against the refusal of planning permission to construct two storey front and rear extensions, raise the ridge height inserting a hip roof to the existing / extended dwelling including a loft conversion and rear box dormer, insert a hip roof to the existing single storey side extension and external alterations.
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Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (PPG) advises that costs may only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The PPG advises that a local planning authority is at risk of an award of costs for failing to produce evidence to substantiate each reason for refusal.
5. The appellant states that Members went against the planning officer's advice and that the Council refused planning permission without providing clear, precise and justifiable reasons for doing so and contrary to the advice and recommendation of the planning officer.
6. However, the Council clearly stated, in the reason for refusal, that 'the height and scale of the proposed extensions would be out of keeping with the character of properties in the locality and have a negative impact on neighbour amenity' and listed the local policies that they felt the proposal conflicted with. As such, the Council's reason was set out with sufficient clarity. For the reasons given in the associated appeal decision, those concerns were well-founded with regard to the character of the dwelling and wider area.
7. Whilst I reached a different conclusion to the Council in respect of neighbouring living conditions, that was a finely balanced judgement that required careful

consideration. Members are entitled to come to a different opinion to the Council's planning officer providing they have reasonable grounds for doing so. Given the balanced nature of the judgement, the decision of the Council in that respect was not unreasonable even though I ultimately disagreed with their position.

8. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Appeals Planning Officer

Darren Ellis

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, the application for an award of costs is refused.

Chris Preston

INSPECTOR