



Costs Decision

Site visit made on 8 February 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Costs application in relation to Appeal Ref: APP/B3030/W/21/3281434 McColls, Mansfield Road, Blidworth NG21 0RD

- 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 Kanagaratnam Paramanathan for a full award of costs against Newark & Sherwood District Council.
 - The appeal was against the refusal of the Council to grant planning permission for two storey dwelling.
-

Decision

1. The application is dismissed.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (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 considers that the Council have not co-operated with the applicant, provided information that has been shown to be untrue, introduced new evidence at a late stage, prevented development which should be permitted, made inaccurate assertions unsupported by objective analysis and suggested unnecessary conditions not compliant with guidance.
5. The Council states that amendments were made prior to the submission of the application and not submitted as revised plans for this application, the Council fully assessed the proposals in their full context and that they have not acted unreasonably in determining this application and the appeal could not have been avoided.
6. I find that the Council's reasons for refusal are complete, precise, specific and relevant to the application. They clearly state the policies of the Development Plan and all other relevant matters that the proposal would conflict with. The reasons for refusal are adequately substantiated by the Council in the officer report and they have exercised their planning judgement. I agree with the Council that the proposal does not comply with development plan policy, and I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.

7. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR