



---

## Costs Decision

Hearing Held on 11 January 2022

Site visit made on 13 January 2022

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

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

**Decision date: 16<sup>th</sup> March 2022**

---

### **Costs application in relation to Appeal Ref: APP/N3020/W/20/3259515 The Riding Stables, Main Street, Lambley, Nottingham NG4 4PN**

- 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 John Roberts Architects Ltd for a full award of costs against Gedling Borough Council.
  - The hearing was in connection with an appeal against the refusal of details pursuant to condition No 1 of a planning permission Ref 2016/0987 granted on 16 March 2017 for the redevelopment of existing stables to provide 1 no. dwelling.
- 

### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance advises 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. The appellants claim for costs is set out in two submissions<sup>1</sup>, and the Council has had the opportunity to address both of these in its rebuttal.
3. My appeal decision supersedes one issued on 27 May 2021, which was quashed by order of the High Court. A costs decision was made in respect of that appeal as well as a further appeal at the same site. However, although one of the appeal decisions was quashed, the application for a statutory review against the costs decision was dismissed, meaning that the original costs decision still stands. On that basis, the scope of the costs decision in respect of the appeal before me relates only to the redetermination procedure, and not the process leading up to the quashed appeal decision.
4. In respect of unreasonable behaviour, the appellant submits that the Council has made a complete change in direction on whether the appeal proposal would comply with condition 4 of the outline planning permission. In support of this, they have referred to the Council's officer report on the application for reserved matters which states that the proposal *does* comply with condition 4. They also highlight that the reason for refusal in respect of the appeal before me does not refer to a contravention of that condition.
5. However, during the redetermination process the Council has clearly set out that it considers that the proposal would conflict with condition 4. As can be

---

<sup>1</sup> dated 10 January 2022 and 11 January 2022.

seen from my appeal decision, I have agreed with the Council on this matter and therefore cannot conclude that it has behaved unreasonably in principle.

6. I acknowledge that the Council has changed its position compared to its consideration of the reserved matters application. However, it has substantiated its stance during the redetermination of this appeal and I consider it has not behaved unreasonably in doing so.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal redetermination process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

*David Cross*

INSPECTOR