

Costs Decision

Site visit made on 10 May 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2022

Costs application in relation to Appeal Ref: APP/N1025/W/21/3287689 Maywood Farm, Rushy Lane, Sandiacre DE72 3SW

- 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 Lorraine Moon for a full award of costs against Erewash Borough Council.
 - The appeal was against the refusal of planning permission for 'change of use' of existing stable building to a dwelling (1 bedroom).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises through paragraph 028 that costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Costs may be awarded to any party regardless of the outcome of the appeal.
3. Paragraph 049 of the PPG provides a non-exhaustive list of examples of unreasonable behaviour by local planning authorities on substantive grounds. This includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material consideration.
4. The Council's reason for refusal as set out in the decision notice is complete, specific and relevant to the application with regards to these matters. It also clearly indicates that the proposal was determined in accordance with the relevant development plan policies and Green Belt guidance in the National Planning Policy Framework.
5. Although the planning system is plan-led, support for the re-use of buildings in the Green Belt is contingent on other factors to which the application or appeal has not demonstrated compliance. These are detailed in Policies GB1 and GB5 of the Erewash Borough Saved Policies Document (SP) (July 2008).
6. These are invariably matters of planning judgement and it was not unreasonable to refuse the application. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal.

Conclusion

7. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

C McDonagh

INSPECTOR