



Costs Decision

Hearing Held on 12 July 2022

Site visit made on 12 July 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Costs application in relation to Appeal Ref: APP/M1005/W/21/3284038

Land off Cromford Road, Cromford Road, Langley Mill, Nottingham NG16 4HD

- 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 Denley Allen for a full/partial award of costs against Amber Valley Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of agricultural dwelling and cattle housing.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ 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.
3. An award of costs is sought on substantive grounds and it is claimed that the Council have issued unreasonable and unreasoned refusal reasons that were without merit.
4. However, as can be seen from the accompanying decision letter, whilst I have afforded more weight to the previous appeal decision in terms of Green Belt matters, the Councils refusal reasons had broad merit.
5. The refusal reasons were neither unreasonable nor unreasoned and the Council has consistently and logically reasoned its points of refusal throughout the process within the Officer report, Statement and at the Hearing itself. There is nothing therefore to indicate that the Council have issued unreasonable and unreasoned refusal reasons that were without merit.

Conclusion

6. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR

¹ Paragraph: 030 Reference ID: 16-030-20140306