
Costs Decision

Site visit made on 11 July 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

**Costs application in relation to Appeal Ref: APP/J3015/W/22/3296964
199A Newlands Cottage , Main Street, Newthorpe, Nottingham,
Nottinghamshire NG16 2DL**

- 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 Richard Maher for a full award of costs against Broxtowe Borough Council.
 - The appeal was against the refusal of planning permission for a detached garage/workshop.
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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.
3. The Claimant's application is largely based on the length of time it took the Council to determine the application along with the manner in which the application was processed. The basis of the appeal, according to the Claimant, was *'as much about the failure of process as the application itself'*.
4. The Council did determine the application, so additional expense has not been incurred by the Claimant in having to make an appeal in order to secure a determination. Whilst the Council's decision took more than the 8 week target, this, in itself, does not amount to unreasonable behaviour and I understand from the correspondence I have seen that the Claimant was repeatedly advised to reduce the overall scale of the proposed building during the application process. The Council subsequently refused the application. The Claimant's appeal against this decision has been unsuccessful because I found the Council's arguments to be well founded and persuasive. On this basis, the Council's decision was not unreasonable.
5. I appreciate the frustration expressed by the Claimant in terms of the length of time it took for the Council to determine the application. However, the matter before me is whether or not the decision by the Council was a reasonable one to take. For the reasons outlined within my Appeal Decision Letter, I concluded that it was.

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

David Fitzsimon INSPECTOR