



Costs Decision

Site visit made on 19 July 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Costs application in relation to Appeal Ref: APP/PP415/W/22/3293673 Phoenix Court, 67 Blyth Road, Maltby, Rotherham S66 7LF

- 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 Pheonix Court Management Limited for a full award of costs against Rotherham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a development proposed that is described as 'Extend part of the existing building upwards by 2.7m to accommodate a further 4 x two bedroom apartments'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 PPG also states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal or if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. Nonetheless, I found the evidence within the decision notice, and the Council's statement of case to adequately set out its concerns and the reasons for refusal. Furthermore, the Council's original planning application report clearly explains why the proposal is not considered to be acceptable, taking account of the relevant policies within the Core Strategy and Local Plan and the National Planning Policy Framework. As such I am satisfied that the Council provided adequate evidence to substantiate in all respects its reasons for refusing planning permission.
4. I recognise that the applicant has employed a consultant to submit the planning appeal, however, for the reasons given above, I do not consider that the expense for this service is a result of unreasonable behaviour by the Council.
5. As a result of the factors above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine INSPECTOR