



Costs Decision

Site visit made on 21 June 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2022

Costs application in relation to Appeal Ref: APP/R1038/W/22/3292176 Land south of Quarry Farm, Freebirch, Eastmoor, Chesterfield S42 7DQ

- 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 Paul Pollard for a full award of costs against North East Derbyshire Council.
 - The appeal was against the refusal of planning permission for a building for storage including; land maintenance equipment, office, reception, health and safety briefing area and picnic shelter in association with Freebirch Quarry Clay Pigeon Shoot, as well as the wider landholding.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may only 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 applicant is seeking a full award of costs against the Council in relation to alleged unreasonable behaviour in failing to provide a statement of case to defend its position. In particular, the applicant states that this led to him being no clearer about the Council's reasons for refusal leading to wasted expense in pursuing the appeal. The PPG makes it clear that a local planning authority is at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal. In this instance, the Council's case has had to be considered in relation to the Officer Report at the application stage as no appeal statement has been prepared.
4. The Officer Report clearly sets out the Council's case including reciting the relevant paragraphs of the National Planning Policy Framework which relate to development within the Green Belt, and the relevant adopted local planning policies. The report also clearly sets out how the Council concluded that the proposed building would, in their view, adversely affect the openness of the Green Belt and represent inappropriate development. Sufficient information was presented within the Officer Report for the applicant to be clear on the Council's main concerns in relation to the appeal.
5. Furthermore, the failure to submit an appeal statement did not result in any wasted expense, as by that stage the appeal had already been made by the

applicant. The Council's failure to provide an appeal statement also did not result in any delay being caused to the appeal process.

6. Although an appeal statement was not submitted, this does not mean that the Council has acted unreasonably by only substantiating its reasons for refusal in the Officers Report. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

David Jones

INSPECTOR