



Costs Decision

Site visit made on 2 August 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Costs application in relation to APP/J3015/D/22/3301055

12 Hope Street, Beeston NG9 1DR

- 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 Mrs Amina Gagieva for a full award of costs against Broxtowe District Council.
 - The appeal was against the refusal of planning permission for a double storey side extension, single rear, double front building on existing single extension and a bay window to be replaced with glass apex.
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Decision

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

Reasons

3. 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.
4. The appellant submits that the local planning authority (LPA) has acted unreasonably by refusing to approve the proposed development. It is considered that the LPA has failed to produce any evidence for each reason for refusal in its decision notice and has used vague, generalised or inaccurate assertions regarding the impact of the development, unsupported by objective analysis. It has failed to approve the application in accordance with the presumption in favour of sustainable development as stated in the Planning Policy Framework 2021.
5. However, the LPA had clear concerns in relation to the adverse effects upon the character and appearance of the area and upon the living conditions of the occupiers of adjoining properties. I have dismissed the appeal for these reasons.
6. While the planning application was recommended for approval by officers, this in itself does not mean that members of the Planning Committee were not entitled to reach a different view. The reasons for refusal relate to matters of design, character and to living conditions, all of which require an element of subjective planning assessment.
7. The presumption in favour of sustainable development, as expressed in the Framework, includes the caveat that this is unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when*

assessed against the policies in this Framework taken as a whole'. I do not find that the Council acted unreasonably in the circumstances which apply in this case.

8. In refusing planning permission, I am content that the Council has reasonably substantiated its reasons for refusing planning permission.

Conclusion

9. For the above reasons, I conclude that the Council has not acted unreasonably, and that as a result, the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, a full award of costs is not justified.

Steven Hartley

INSPECTOR