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## Costs Decision

Site visit made on 16 August 2022

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 August 2022**

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### **Costs application in relation to Appeal Ref: APP/F4410/W/22/3297929 Land east of Guelder Cottage, West End Road, Norton, Doncaster DN6 9DH**

- 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 Ms S Peacock for a full award of costs against Doncaster Council.
  - The appeal was against the refusal of outline planning permission for the erection of detached dwelling and garage including construction of new access.
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### **Decision**

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

### **Reasons**

2. The applicant claims that the Council has acted unreasonably in that it has gone against the advice of its professional officers without good reason and the reason for refusal is not clear or precise, thus leaving them with no alternative but to incur the costs of an appeal. The Council disputes that it has acted unreasonably.
3. The Planning Practice Guidance (the PPG) makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. I have noted the recommendation of the Council's Officers which was for approval. The planning committee is not duty bound to follow the advice of its Officers as long as its contrary decision is made on planning grounds. The decision in this case is one which is a matter of judgement. The reason for refusal arrived at by the planning committee is sufficiently precise and detailed in setting out why it considered the proposed development to be unacceptable and this is framed within the context of the development plan.
5. The PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. I find this to be the case here, notwithstanding the fact that I have come to a different conclusion to the Council regarding the acceptability of the proposal.

6. For the above reasons, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

*F Wilkinson*

INSPECTOR