



Costs Decision

Site visit made on 18 October 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Costs application in relation to Appeal Ref: APP/P3040/W/22/3294802 Land to the North East of Main Street, Sutton Cum Granby NG13 9QA

- 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 B Roberts for a full award of costs against Rushcliffe Borough Council.
 - The appeal was against the refusal of planning permission for erection of 2 dwelling houses with a paddock to the rear, creation of new vehicular access (Resubmission of 20/03272/FUL).
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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 appellant submits that the Council has not followed the full procedure of their own policy. However, I have concluded that the proposal would be contrary to the policies of the development plan, and I therefore cannot agree with the appellant's concerns on this matter.
4. Reference is also made to a unilateral approach to the application and sending out mixed messages. However, based on the evidence before me, the Council's approach to this appeal site has been consistent, and as I have agreed with the Council's concerns I do not conclude that it has behaved in an inconsistent or otherwise unreasonable manner. Although planning permission has been granted for residential development on land opposite the appeal site, that permission and the Council's comments on it were on the basis of that proposal representing an infill site, whereas the appeal proposal would be located within the countryside beyond the built fabric of the settlement.
5. The appellant contends that the Council has refused to cooperate. However, given the nature of the proposal and the clear conflict with planning policy, I do not consider that further negotiations on the scheme could have led to an acceptable proposal. The Council has therefore not behaved unreasonably in refusing the planning application, and this has not led to an appeal which could otherwise have been avoided.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

David Cross

INSPECTOR