



Costs Decision

Site visit made on 25 October 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Costs application in relation to Appeal Ref: APP/P1045/W/22/3295248 Beechmount, Pinfold Lane, Bradley DE6 1PN

- 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 Steve Ford for a full award of costs against Derbyshire Dales District Council.
 - The application Ref 21/01024/VCOND, is dated 5 August 2021, was refused by notice dated 7 January 2022.
 - The appeal was against a refusal to grant planning permission 'to erect one new bungalow at Pinfold Farm, Bradley' without complying with a condition attached to planning permission Ref ASR/770/17, dated 19 November 1970.
 - The condition in dispute is No 3 which states that: *"The occupation of the house shall be limited to persons employed, or last employed, locally in agriculture as defined in Section 221(1) of the Town and Country Planning Act 1962, or in forestry, and the dependents of such persons."*
 - The reasons given for the condition is: *"Because of its location the site is not considered suitable for residential development not connected with agriculture."*
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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. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
4. Essentially the applicant is seeking a full award of costs due to the Council's failure to issue a decision within the statutory 8-week period for the planning application (21/01024/VCOND) and their alleged unreasonable behaviour. The Council has not provided any explanation of the reasons for the delay in reaching a decision.
5. The application was not determined by the Council within the 8-week period, however an extension of time was requested by the Council and the application was subsequently refused. While I understand the applicant's frustration at the delays, I have seen no sufficiently compelling evidence that the Council behaved unreasonably in terms of the timescale for determining the planning application.

6. Furthermore, the Council refused the application and provided clear and detailed reasons why it did not grant permission. It is not therefore the case that the appeal could have been avoided and therefore the applicant has not incurred unnecessary expense. Moreover, I have found that the Council had reasonable concerns about the proposal in my findings on the appeal.
7. The applicant states that the Council behaved unreasonably by failing to take on board the information submitted. Based on the evidence before me, I consider the Council to have acted reasonably with regards to the information submitted to them by the applicant. Indeed, the Council did provide comments in their statement of case on the additional information submitted by the appellant at the appeal stage.
8. With regards to the agricultural consultant's response, the Council were not bound by these comments. The Council exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the adopted Development Plan for the area. Therefore, I find the Council to have acted reasonably in this instance.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified.

Helen Smith

INSPECTOR