



Costs Decision

Site visit made on 29 November 2022

by G C Bayliss BA MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Costs application in relation to Appeal Ref: APP/P3040/W/22/3302970 Land to the side of Greystones, Station Road, Elton NG13 9LG

- 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 a 2 storey residential annex to Greystones.
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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 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 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. The appellant states that the Council's reasons for refusing planning permission are incorrect, causing delay and the expense of both starting the potential works and making further applications and appeals.
5. The reasons for the refusal set out in the Council's decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the up-to-date Development Plan and guidance in the National Planning Policy Framework that the proposal would be in conflict with. These reasons have been adequately substantiated by the Council in its Officer Report and final comments. The Officer Report demonstrates how the proposal would represent an independent dwelling in the countryside rather than an annex which would be contrary to the Council's spatial strategy in the Development Plan and how it would harm the character and appearance of the appeal site and surrounding area.
6. Accordingly, whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme

and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns and the evidence of third parties in any event.

7. 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 justified.

G Bayliss

INSPECTOR