



Costs Decision

Site visit made on 12 July 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Costs application in relation to Appeal Ref: APP/B3030/W/23/3316945 Willoughby Farm, Carlton Lane, Norwell NG23 6JY

- 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 J Rigby of W Rigby and Sons Limited for a full award of costs against Newark and Sherwood District Council.
 - The appeal was against the refusal of planning permission for the demolition of all of fourteen modern farm buildings and their replacement with five new build dwellings, and gardens.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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 applicant contends that the appeal was unnecessary because of the Council's conflicting advice during the negotiation period, that other farm building replacement schemes within the District have been approved with a larger volume than that of the appeal scheme, and because appropriate consideration was not given to the fallback position of the approved Class Q scheme.
4. There is no legislative duty requiring the Council to enter into discussions with an applicant to resolve problems. However, the Council did provide advice at various points during the determination period as to how to improve the proposal. Despite the changes made, ultimately this still resulted in the Council's opinion that the proposal would be unsatisfactory. Its reasons were explained within the officer report and on the decision notice. This is a matter of planning judgement in the Council's role as decision maker, and is not an example of unreasonable behaviour.
5. With relation to consistency of decision making for other applications across the District, each must be addressed on its own merits as the precise context will differ. Again therefore, on the evidence before me it was not unreasonable for the Council to have come to a different decision than that on other sites.
6. The fallback position was suitably discussed within the officer report and referenced on the decision notice. In my Appeal Decision I found, as did the Council, that the proposal would not be a benefit to the character and appearance of the countryside in comparison to the fallback position.

Therefore, the applicant's concerns that the Council did not suitably take the fallback position sufficiently into account are unfounded.

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

Lora Hughes

INSPECTOR