



Costs Decision

Site visit made on 18 September 2023

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

**Costs application in relation to Appeal Ref: APP/M1005/X/22/3312807
Hollow Cottage, 2 The Cottages, Chesterfield Road, Buckland Hollow,
Belper, Derbyshire, DE56 2HT**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Dawn Flanagan for a full award of costs against Amber Valley Borough Council.
 - The appeal was against the refusal of an application for an LDC for 'use of the land for the residential garden and curtilage of the property known as Hollow Cottage'.
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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. Interpretation and assessment of evidence submitted in support of an application for an LDC, particular of aerial photographs, requires planning judgement to be exercised. The delegated report for the application carefully assessed the evidence submitted and that provided in response to a request for further information. The decision reached by the Council, to refuse the application, followed a robust assessment of the evidence and was not unreasonably made. The Council has not acted unreasonably and the Appellant has not incurred wasted expense. The application for an award of costs is thus refused.

John Braithwaite

Inspector