



Costs Decision

Site visit made on 15 August 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Costs application in relation to Appeal Ref: APP/N3020/W/23/3319075 87 Weaverthorpe Road, Woodthorpe, Nottinghamshire NG5 4PU

- 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 Miss S Marshall for an award of costs against Gedling Borough Council.
 - The appeal was against the refusal of planning permission for the part demolition to host building single storey structure to form new dwelling to garden.
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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 submits that the Council prevented development which should have clearly been permitted and that, in their considerations of the application, the Council were vague, inaccurate, and did not substantiate their reasons for refusal. Moreover, the applicant suggests that the Council's decision was not consistent with similar cases. They therefore state that the Council acted unreasonably, and this resulted in unnecessary expense in needing to go to appeal.
4. In issues relating to matters of character and appearance there is often a strong degree of judgement employed, and the matters raised by the Council related to issues where there was a reasonable potential for a difference of opinion. I am satisfied that the Council suitably justified its concerns within its submissions. This included detailing the conditions of the site, its surroundings, the nature of the development and highlighting issues which it considered would result in harm to character and appearance. Therefore, whilst I found differently to the Council, to this extent they justified their decision-making.
5. The applicant has not provided any examples of decisions that they consider demonstrate the Council were inconsistent in their decision-making. As such, and as all proposals need to be considered on their own merits, I find that the council's decision in respect of the appeal application was not inconsistent.
6. The PPG sets out that preventing development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations can be unreasonable behaviour. In

this case I have found differently to the Council, in that the proposal complies with the relevant policies. However, the Council clearly made reference to the policies, both local and national, that they considered the proposal to conflict with. As noted above issues of character and appearance often rely upon judgement, and I do not find that the relevant policies clearly required the development to be permitted.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Samuel Watson

INSPECTOR