



Costs Decision

Site visit made on 3 October 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Costs application in relation to Appeal Ref: APP/P3040/W/23/3316237 Springfields, Radcliffe Road, Holme Pierrepont, Nottingham NG12 2LF

- 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 Mohammad Daneshmanesh for a full award of costs against Rushcliffe Borough Council.
 - The appeal was against the refusal of planning permission for erect storage shed.
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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 Council's behaviour was unreasonable in not having regard to relevant material considerations. To demonstrate this, the applicant has provided three decisions where the Council allowed proposals in the Green Belt. Notwithstanding, two of these decisions were found to comprise separate exceptions identified as not inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (the Framework). The third example relied on justifying harm to the Green Belt due to the presence of very special circumstances.
4. The applicant indicated that they were not attempting to demonstrate very special circumstances; neither did they specify whether they considered the proposal to comprise one of the exceptions identified in paragraph 149 of the Framework. Instead, the applicant relied upon the proposal not having a material effect on the openness of the Green Belt. Whilst I disagree with their assessment, as detailed in the appeal decision, the Council has not acted unreasonably in making a planning judgement on the effect the proposal has on the Green Belt.
5. There were two matters in dispute, whether the proposal would be inappropriate development in the Green Belt and the effect of the proposed development on the character and appearance of the area. The applicant has not identified how they believe the Council acted unreasonably in concluding that the proposed development was harmful to the character and appearance of the area. Whilst I disagree with the Council's assessment, I cannot conclude they have acted unreasonably as they have made a judgement on the effect of the proposed development based upon its planning merits.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR