



Costs Decision

Site visit made on 21 November 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Costs application in relation to Appeal Ref: APP/M1005/D/23/3324170 34 Cloves Hill, Morley, Derbyshire DE7 6DH

- 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 Clemson for a full award of costs against Amber Valley Borough Council.
 - The appeal was against the refusal of planning permission for construction of triple garage.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant considers that the Council have been inconsistent in their decision making in light of other nearby approvals, did not call in the application to be heard at Planning Committee despite the request of a Councillor and have unreasonably prevented or delayed development that should have clearly been approved.
5. The Council states that each application is determined on its own merits, and was subject to a full assessment, that the request to call in the application was rejected by the Chair of the Planning Board, and that the application was fairly assessed, was found to be contrary to Green Belt guidance, and public benefits were put forward or demonstrated by the applicant to show Very Special Circumstances to make an exception from this.
6. I find that the Council's reasons for refusal are complete, precise, specific and relevant to the application. They clearly state the policies of the Development Plan and all other relevant matters that the proposal would conflict with. The reason for refusal is adequately substantiated by the Council in the officer report and they have exercised their planning judgement. I agree with the Council that the proposal does not comply with development plan policy and that in the National Planning Policy Framework, and I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.

7. Whilst a request was made to refer the application to Planning Committee, I understand that the Chair is under no obligation to accede to this request.
8. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR