



Costs Decision

Site visit made on 1 December 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Costs application in relation to APP/B3030/W/23/3323489

11 Station Road, Collingham, Nottinghamshire NG23 7RA

- 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 Charlotte Palmer for a full award of costs against the decision of Newark and Sherwood District Council.
 - The appeal was against the refusal of planning permission for the erection of a new dwelling; alteration of an existing dwelling; demolition of an existing garage and shed and erection of new garaging.
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Decision

1. The application for a full award of costs is allowed.

Reasons

2. The Planning Practice Guidance 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 has acted unreasonably in so far that it has failed to substantiate its reasons for refusal. Furthermore, the applicant states that the Committee minutes do not refer to living condition concerns and hence the second reason for refusal in the Council's decision notice was unreasonably included. The applicant claims that there were procedural failings on behalf of the Planning Committee including a predisposition about the proposal in respect of a named Councillor who voted to refuse planning permission.
4. Given my reasoning below, it has not been necessary for me to reach a definitive view relating to the way that the Planning Committee made its decision to refuse planning permission. However, the Planning Committee minutes do not specifically refer to concerns about the effect of the development upon the amenities of adjoining occupiers. In any event, the Council has not provided appropriate reasoning to explain which adjoining occupiers would be impacted, and specifically why the proposal would be 'overbearing' and 'over intensive'. I would have expected a detailed analysis of the alleged harm caused in this regard, suitably substantiating the reason for refusal in the Council's decision notice.
5. As regards the character and appearance reason for refusal, I accept that this is generally a matter of planning judgement. However, the Council's case in respect of this main issue is distinctly lacking. I do not find that the Council has reasonably considered the fact that other back land development exists close to

the appeal site. Furthermore, the Council has not provided detailed analysis and reasoning to substantiate this reason for refusal. As the decision to refuse planning permission was contrary to the officer recommendation, it was necessary for the Council to provide a suitable case to justify this reason for refusal. No such case has reasonably been made by the Council.

Conclusion

6. For the above reason, I conclude that the Council has acted unreasonably, at least on substantive points, and hence the applicant has been put to wasted time and expense in pursuing the appeal. Therefore, a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Newark and Sherwood District Council shall pay to Miss Charlotte Palmer the costs of the appeal proceedings; such costs to be assessed in the Senior Courts Costs Centre if not agreed. The proceedings concerned an appeal described in the heading of this decision.
8. Miss Charlotte Palmer is now invited to submit to Newark and Sherwood District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S. Hartley

INSPECTOR