



Costs Decision

Site visit made on 2 August 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Costs application in relation to APP/B3030/W/24/3341165

Land off Main Road, Boughton, New Ollerton, Newark

- 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 Mrs Anne Staley, Anne Staley Design Ltd for a partial award of costs against Newark & Sherwood District Council.
 - The appeal was against the refusal of the erection of 4No. semi detached dwellings with associated parking and landscaping works.
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Decision

1. The application for an award of partial costs is refused.

Reasons

2. The National Planning Practice Guidance (NPPG) 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 Appellant contends that the Council agreed a 2.4m x 45m visibility splay for a development on a nearby site and that this is inconsistent with the requests for evidence to confirm the size of the visibility splay for the appeal proposal.
4. From the evidence before me the appellant did not provide any evidence, apart from written confirmation that larger visibility splays could be achieved. Even though the appellant tried to proactively engage with the Council on this issue the Council are under no obligation to engage with an applicant once an application is being considered.
5. Notwithstanding this I note from the amended plan and information submitted with the appeal that a greater visibility would be required (2.4m x 65m), therefore it would be perverse for me to agree that the Council were unreasonable requesting further information relating to highway safety.
6. It will be seen from my decision that I agree with the Council that there were sufficient grounds for refusing the development in terms of the effect of the proposed development on the highway network.
7. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the National Planning Practice Guidance, has not been demonstrated.

C Pipe

INSPECTOR