



Costs Decision

Site visit made on 10 October 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Costs application in relation to Appeal Ref: APP/A3010/W/24/3344904 Land to the Rear of Nos. 73 to 81 Scrooby Road, Bircotes DN11 8JN

- 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 Sam Price for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of technical details consent for residential development of four dwellings pursuant to the Permission in Principle 22/00805/PIP allowed on appeal under APP/A3010/W/22/3304294.
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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. Unreasonable behaviour may be procedural and/or substantive.
3. In summary, the applicant contends that the Council has acted unreasonably by persisting in objecting to the proposal on highway safety grounds when the Inspector for the permission in principle (PiP) had concluded that the existing access was not a reason to withhold consent. Additionally, the Council prevented/delayed a development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and other material considerations; and its objections were not supported by any objective analysis. The Council disputes that it has acted unreasonably.
4. The Inspector for the PiP was only able to consider whether the location, land use, and amount of development were acceptable in principle. They state that there was nothing before them to indicate definitively that a safe and suitable access could not be secured at the appeal site in principle. However, they also state that specific details relating to the access, such as technical drawings, visibility splays and pedestrian sight lines, would be considered at the technical details consent stage.
5. Given the limited scope of the PiP and the position of the Inspector for the PiP that specific details relating to the access would be considered at the technical details consent stage, in my view the Council was not unreasonable in objecting to the technical details consent application on highway safety grounds. It was open for the applicant to provide more detail on the proposed access to the site at the technical details consent stage. The Inspector for the

PiP gave examples of what that might include. However, no such detail was provided.

6. The reasons for refusal set out in the Council's decision notice are complete, precise, specific, and relevant to the application. They explain why the scheme was considered to be unacceptable and are framed within the context of the development plan and the National Planning Policy Framework. The reasons have been adequately substantiated in the Council's officer report and appeal statement. Having regard to my conclusions on the proposal, I have found that the Council had reasonable concerns about its adverse effects.
7. The PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. I find this to be the case here.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, an award of costs is not justified.

F Wilkinson

INSPECTOR