



Costs Decision

Hearing held on 22 October 2024

Site visit made on 22 October 2024

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Costs application in relation to Appeal Ref: APP/M9496/C/24/3336593 Rocking Stone Farm, Birchover, Matlock DE4 2BL

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs O'Rourke for a partial award of costs against Peak District National Park Authority.
 - The appeal was against an enforcement notice alleging the erection of a cabin and associated structures for short-term let holiday accommodation.
-

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 application for costs was made in writing, as was the Council's response to the application and the Appellants' Agent's final comments.
4. The application relates to the name of the person who signed the enforcement notice and to whether that person had the authority to do so. The notice includes a signature but not the name of that person. This could have been addressed simply by requesting confirmation of the name of the signatory and is inconsequential. The job title of the signatory is given as 'Assistant Solicitor' and such a person would not have had the authority to sign the notice on its date of issue. There is some doubt, as found at the Hearing, that the signatory at that time was an Assistant Solicitor and could have had the necessary authority to be the signatory. In any event, an appeal was submitted against the notice and the only time spent in addressing this matter has been expended in preparing the application for costs. In these circumstances an award of costs is not justified.
5. The application for an award of costs fails.

John Braithwaite

Inspector