



Costs Decision

Site visit made on 29 October 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2024

**Costs application in relation to Appeal Ref: APP/M9496/W/24/3345396
36 Burrfields Road, Chapel-En-Le-Frith, Derbyshire SK23 0JW**

- 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 Mark Longden for a full award of costs against High Peak Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a dwelling house.
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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.
3. The PPG gives examples of behaviour that may give rise to a substantive award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted; vague generalised or inaccurate assertions about a proposal's impact and; not determining cases in a similar manner.
4. The Council's officer report makes reference to the relevant supplementary planning document (SPD) which sets out guidance on matters of design and the positioning of development relative to neighbouring occupiers. It is clear from the report that the Council did not strictly apply the guidance of the SPD, rather it assisted the Council's assessment on separation distances between the proposed development and the existing property to the rear as well as matters of design.
5. Whilst I found the development to be acceptable in respect of living conditions, this is a matter of planning judgement. The Council clearly set out its reasoning having regards to the particular circumstances of this case. It does not follow that examples of reduced separation distances are directly comparable and justify the appeal development. Similarly, the Council made a thorough assessment on character and appearance and provided reasons as to why the various examples of approved developments and their frontage parking differ to the appeal proposal. Therefore, the Council did not prevent or delay development which should clearly be permitted nor did it fail to determine cases in a consistent manner.
6. I also note from the Council's officer report that reference was made to the appeal site's current function as an area of off-street parking provision and that

it is characterised by hardstanding. The report goes on to include a detailed assessment on the character of the area surrounding the appeal site. It is clear that the Council gave consideration to the use of the site, the mixed architectural character of properties and arrangement of built form along Burrfields Road and that this assisted the assessment of the proposed development. The Council therefore substantiated its reasons for refusal and its concerns were supported by objective analysis.

7. Consequently, I am satisfied that the Council did not behave unreasonably thus I am not required to consider whether unnecessary expense has ensued. An award of costs in this instance has not therefore been justified.

H Ellison

INSPECTOR