



Costs Decision

Site visit made on 22 October 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th of November 2024

**Land rear of Byron Road, Byron Road, Annesley, Nottinghamshire
NG15 0AH**

Costs application in relation to Appeal Ref: APP/W3005/W/24/3345786

- 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 Jason Taylor for a full award of costs against Ashfield District Council.
 - The appeal was against the refusal of planning permission for the construction of a detached dwelling and associated works.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The application is made essentially on the basis that the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a difference course of action without adequate reason to do so.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. It will be seen from my Decision that I agree with Council Members and that there were sufficient grounds for refusing planning permission on grounds related to the harm to the character or appearance of the area including Annesley Conservation Area and the loss of formal open space. It follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal.
7. I have found in my appeal decision that the development does not harm highways safety. This was a matter of planning judgement and the Council has

set out its reasoning for reaching a different conclusion. Whilst I do not agree with that view, I do not consider that the Council acted unreasonably in refusing permission.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

B Astley-Serougi

INSPECTOR