



Costs Decision

Site visit made on 25 October 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Costs application in relation to:

Appeal A Ref: APP/A3010/W/24/3345339

Appeal B Ref: APP/A3010/Y/24/3345770

The Rosary Church Street, East Markham, Nottinghamshire NG22 0SA

- In respect of Appeal A, 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).
 - In respect of Appeal B the application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Watson for a full award of costs against Bassetlaw District Council.
 - Appeal A was against the refusal of planning permission for development described as: 'construct a small open porch to the central door on the front elevation in reclaimed materials'.
 - Appeal B was against the refusal of listed building consent for works described as: development proposed is described as: 'construct a small open porch to the central door on the front elevation in reclaimed materials'.
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Decision

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

Procedural Matters

2. The applicant's costs claim relates to the Council's determination of the above applications for planning permission and listed building consent. Although the legislation giving a route to making a cost application is different, the regime is the same.

Reasons

3. 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.
4. Paragraph 49 of the PPG¹ makes clear that local planning authorities are at risk of an award of costs if they refuse to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.

¹ Reference ID: 16-049-20140306

5. The detail with regard to the costs applications is limited, however, this appears to be based around the Council failing to identify harm when sketch drawings were submitted before submission of the applications. Instead, upon receipt of the applicant's drawings, the Council advised that the applicant provide scale drawings for the porch and to submit applications for planning permission and listed building consent.
6. However, I am not provided with any detail of this correspondence which severely limits my ability to make a judgement on this matter. Furthermore, it is not clear if the applicant was openly seeking comments on his drawings or whether he simply sought confirmation as to whether or not planning permission was required. Mindful of paragraph 49 of the PPG it does not appear that the Council refused to offer pre-application advice and it is clear that it did respond to the applicant. From the limited evidence before me, it does not appear that the Council offered support for the appeal scheme prior to its submission. Additionally, there is no evidence before me that the applicant followed up on the Council's response to seek Officer's views on the acceptability of his proposal were he to submit applications in line with the Council's advice.
7. I would also note that the applicant has ticked the box on the indicating on the planning application form and listed building consent application form that no pre-application advice was sought from the Council prior to submission.
8. Whilst I sympathise with the applicant with regard to the cost of submitting his applications, for the above reasons I have no convincing evidence that the Council has behaved unreasonably.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Paul Martinson

INSPECTOR