



Costs Decision

Site visit made on 9 December 2024

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Costs application in relation to Appeal Ref: APP/A3010/W/24/3347925 Highfield House, 222 Carlton Road, Worksop, Nottinghamshire

- 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 Rose & Co Homes for a full award of costs against Bassetlaw District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for 'Demolition of existing buildings; partial demolition, repair and alteration of existing building (Highfield House) to create 2no. dwellings; and erection of 9no. dwellings with landscaping, access and associated works'.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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. On the first point of the claim, the Local Planning Authority's assessment of the relationship of plots 4 and 7 with neighbouring properties in Harsoft Avenue falls well short of clear analysis and demonstrable harm, having particular regard to the distance between dwellings and relative site levels.
4. In terms of highway matters, the Local Planning Authority's position is predicated on the Highway Authority's preference for the retention of two street trees and alternative access arrangements. In doing so, it failed to assess whether the benefits of the development would outweigh the harm arising from the loss of the trees. This was despite including the views of the Highway Authority in its Appeal Statement: *'If the LPA considers that the value of the trees is outweighed by the benefits of the development'*
5. Regarding the Conservation Area, the Local Planning Authority's statement did not grapple with the effect of the proposal on the character and appearance of the designated area as a whole, and the need to undertake an overall balancing exercise weighing the benefits of the scheme against any identified harm.
6. Overall, it can be seen that the outcome of non-determination led to an inevitable appeal and, in turn, the Council's failure to adequately support its objections to the proposal at appeal.

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bassetlaw District Council shall pay to Rose & Co Homes the costs of the appeal proceedings described in the heading of this decision such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Bassetlaw District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David MH Rose

Inspector