
Costs Decision

Site visit made on 6 January 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Costs application in relation to Appeal Ref: APP/H1033/W/24/3348469

Land south of Spire Hollin, off Dinting Road, Glossop SK13 7QL

- 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 and Mrs Eccles for a full award of costs against High Peak Borough Council.
 - The appeal was against the refusal of planning permission for erection of detached dwelling with associated vehicle parking, landscaping and ground works.
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Decision

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

Preliminary Matter

2. The appellant does not state whether a full or partial award is sought. However, by reason of the information contained within the application, I have interpreted it as being one for a full award and have proceeded on that basis.

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. The PPG also sets out that a local planning authority is at risk of an award of costs for 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; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The appellant has set out that the Council introduced a reason for refusal that was not raised during discussions with the case officer, and they also did not take into account the appellants Supplementary Planning Statement. It is also set out that the Council delayed making a decision on the planning application.
6. The Council's explanation for introducing an additional reason for refusal is that the overhang was a fundamental part of the design, which was considered 'top-heavy' and amendments would not mitigate the concerns of the overall design.
7. The Council are not bound to provide details of all issues they have with a scheme prior to their decision. While it would have been beneficial to raise all concerns at the earliest time, there is no clear evidence that had the Council done this then the refusal reason would have been avoided.

8. Furthermore, the design of the scheme is a matter of planning judgement for the decision maker. As such, notwithstanding my decision to allow the appeal nor the planning case officer not raising an issue with the overhang element of the scheme previously, the Council judged differently. This is arguably par for the course in a planning appeal situation and the fact that I do not agree with the Council on this specific matter does not mean they have been erroneous or acted unreasonably.
9. Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. While the Council has not submitted a statement of case, the Council's reasons for refusal is set out in its decision notice. The reason for refusal is complete, precise, specific and relevant to the application. The overhang element of the scheme is also substantiated in the Delegated Officers report (the report). As such, I am satisfied that the first reason for refusal has not resulted in unreasonable additional expense in defending that reason.
10. Likewise, a robust consideration of the facing materials was set out in the report. Therefore, even though the evidence suggests that the planning case officer was positive towards the appeal scheme prior to the decision being issued, the report makes a full assessment of the proposal and clearly substantiates the reasons for refusal. Therefore, I am satisfied that the Council's overall determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did.
11. The PPG sets out that the Council's handling of a planning application can lead to an award of costs. The appellant accepts that numerous requests for an extension of time (EoT) were agreed but that this was following positive conversations with the planning case officer. However, while a lack of a decision within the prescribed time period and a lack of communication are both frustrating, it is neither unusual nor unreasonable. Additionally, there is nothing to suggest that the Council were not progressing the application between the expiry of the last EoT and the decision notice being issued.
12. Consequently, for the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bromley

INSPECTOR