
Costs Decision

Site visit made on 10 March 2025

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Costs application in relation to Appeal Ref: APP/F4410/W/24/3352188

Slated House Farm, Stone Hill, Hatfield Woodhouse, Doncaster, DN7 6NJ

- 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 J Middleton and Sons for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for an outline planning application for residential development with means of access to be agreed.
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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. The PPG advises that a Council may be vulnerable to a procedural award if there is shown to be a lack of co-operation with other parties. A substantive award could be given if a Council fails to provide evidence to substantiate each reason for refusal or found refusing planning permission on a planning ground that is capable of being dealt with by conditions, where conditions would allow the proposed development to go ahead.
3. The appellants assert that the Council was provided with a series of documents, following discussion, that it has failed to take into account in the decision it made. The appellant states that it provided a revised design and access statement, revised indicative masterplan, and biodiversity net gain metric during the application consideration process. It asserts that communication with the Council has been poor, and feedback limited.
4. The appellants state that they have suffered unnecessary and wasted expense in the appeal through its submission of the further documents and the lengthy discussion with the Council's urban design officer. It further states that as this information was then stated as having not been received by the Council and did not form part of the assessment resulted in a wasted expense.
5. The appellants have provided a series of emails dated from March 2022 to June 2023. These demonstrate dialogue between the applicant and the Council's case officer, and an email of the 1 July 2022 includes extracts of the revised design and access statement. This email also demonstrates that messages between parties were largely amicable and collaborative. The March 11 email includes a link to the

revised design and access statement, but this does not confirm the document was sought to become a formal part of the application's submission, and this is therefore inconclusive. Furthermore, there is no evidence that the revised masterplan or swept path analysis had been submitted. Accordingly, the appellant has provided limited evidence that the stated submissions were made.

6. Also, in terms of timescales, the Council has demonstrated that the application was delayed due to the pandemic and a change in case officers. The Council contacted the appellant in February 2024, due to a prolonged period of inactivity, and they were invited to withdraw the application. In response the applicant requested that a decision be made, and the proposal was determined in March 2024. The actions of the Council with respect to these matters appear to be reasonable.

Conclusion

7. Accordingly, whilst the consideration process of this application was extremely protracted, I have found no material evidence that the Council has acted unreasonably in either procedural or substantive terms. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

B Plenty

INSPECTOR