



Costs Decision

Site visit made on 17 March 2025

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Costs application in relation to Appeal Ref: APP/H1033/D/24/3357600

1 South View, New Mills, Derbyshire SK22 3BS

- 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 Green for a full award of costs against High Peak Borough Council.
 - The appeal was against the refusal of planning permission for proposed vertical, side and rear extensions to existing dormer bungalow.
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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.
3. The applicants set out that the Council has been unreasonable as there was a lack of correspondence including advising that the application was going to be refused. They consider that if they were given a fair hearing then it would have tipped the planning balance in favour of the scheme. In addition, they believe it was unreasonable for the Council to conclude that there are no public benefits, and that the proposal would cause overshadowing. Thus, they consider that the appeal has resulted in wasted time and expense.
4. In contrast, the Council set out that the proposed development had fundamental issues that were not possible to overcome within the scope of the planning application. Furthermore, the proposal did not accord with relevant development plan policies. The Council also set out why there would be no public benefits and overshadowing, as well as highlighting that there were no pre-application discussions.
5. It would have been proactive for the Council to communicate with the applicants and ensure that all comments were uploaded onto the Council's portal. This could have resulted in the applicants amending the scheme. Nonetheless, based on the evidence provided and the number of concerns expressed by the Council, I am not convinced that additional dialogue would have avoided a refused planning application or an appeal.
6. My Decision sets out the reasons the development would cause harm and not comply with planning policy. As set out in my Decision, there would be very limited

public benefits, and the development would not result in unacceptable overshadowing. Nonetheless, these are matters of planning judgement.

7. The reasons for refusal and delegated decision report were clear to support and substantiate the Council's stance. The reasons for refusal were not made on vague, generalised, or inaccurate assertions about the proposal's impact. Accordingly, the Council has not prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.
8. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

L Wilson

INSPECTOR