



Costs Decision

Site visit made on 20 March 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Costs application in relation to Appeal Ref: APP/J4423/W/24/3356418 Land to the west of Manchester Road and east of Rookery Vale, Deepcar, Sheffield S36 2RJ

- 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 Richard Roberts for a full award of costs against Sheffield City 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 outline planning permission with means of access from Manchester Road, but not within the site, for the erection of up to 22no. dwellings. All other matters reserved.
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Decision

1. The application for an award of costs against Sheffield City Council is allowed in full.

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 PPG provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters, such as providing information that is shown to be manifestly untrue or inaccurate, or deliberately concealing relevant evidence. It also includes substantive matters, such as 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, or failure to provide evidence to substantiate the reasons for refusal.
4. The application for costs relates to the allegation that the Council delayed its determination of a policy compliant proposal on the request of additional unnecessary survey requirements. The appeal stems from the failure of the Council to determine the planning application within the prescribed period. This was after it was deferred by the Sheffield City Council Planning and Highways Committee to attain the submission of several highway related surveys from the appellant. The recommendation of the Planning Officer was that to approve the proposal.
5. The Council note the importance of planning committees in the decision-making process. This is not questioned. Planning committees play an important role in the decision-making process and can have regard to material considerations as they are presented during that process. The decisive material consideration the committee made from my analysis of the evidence was that vehicles travelling along Manchester Road travel in excess of the 30mph speed limit.

6. Planning committees are entitled to reach a different conclusion to its officers. Nevertheless, the Planning Officer and Highway Officer opinion was that this scheme was policy compliant in relation to highway matters. The development was shown to meet the technical requirements for visibility splays as discussed in Manual for Streets. This includes for roads with a speed limit of up to 40mph. This leads me to conclude that even if vehicles were to travel beyond the speed limit, the proposed access and associated visibility splays accounted for this increased speed. As such, whilst material considerations can be explored by a committee, in this case, the proposal had accounted for speeding beyond the 30mph limit.
7. However, just because a scheme is compliant on technical matters, does not automatically mean that it should be granted planning permission if material considerations weigh heavily in the opposite direction. The Council contend that after the planning committee meeting, the Highways Officer considered the questions from members and confirmed that speed checks could be carried out. This would allow the true speeds of vehicles travelling along Manchester Road to be known. Nonetheless, the view that vehicles speed along Manchester Road is not substantiated by data and is committee opinion. Whilst such a survey would clarify this assertion, there are other methods of data collection such as collision data which could have been utilised by the committee if such an issue of speeding and issues around highway safety did exist.
8. It follows that the evidence, including that of both Planning Officer and Highway Officer opinion during the initial assessment of the application, suggests that the proposal was policy compliant and would create no harm in relation to highway safety. There was no substantiated reason before me to suggest that speeding does indeed occur along Manchester Road to such an extent that the development itself would have implications for highway safety. Therefore, in my mind, the surveys requested by the committee were not necessary and a decision should have been made without delay.
9. In deferring the application, the committee also wished to be provided with further information on the draft local plan. In my analysis of the evidence, the Officer Report notes that the draft local plan was awaiting examination and at that time, the policies were to be given no significant weight in decision making. Despite this, the Council suggest that members required additional information to establish if more weight could be applied to draft local plan policy GS1. Draft policy GS1 is concerned with development in urban green space. The evidence suggests that in the draft local plan, the appeal site would be allocated under this policy designation.
10. The committee meeting report notes that officers advised that the weight that could be given to the proposed Local Plan designation would depend on the public feedback which had been made on this proposed policy. A deferral of this scheme would allow this information to be gathered. In following the timeline of the application, this update was not provided and appeared to remain unresolved until the appeal was lodged.
11. I am mindful of the committee and their desire to provide a full assessment of the scheme with regard to this particular draft policy. However, in knowing that the draft local plan was to be given no significant weight in decision making at the time of the committee, this would suggest that its adoption, or any significant weight to be given to its draft policies, was a significant period away. When considered in isolation of the highways related matter, the delaying of an application on this basis,

despite being informed of the weight to be given to the draft local plan has resulted in unnecessary delay. As such, I consider this behaviour to be unreasonable.

12. I therefore find that the Council has demonstrated unreasonable behaviour in their deferral of the application based on a request for further highway surveys and information on a draft local plan. This has resulted in unnecessary and wasted expense on the part of the applicant.

Costs Order

13. 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 Sheffield City Council shall pay to Richard Roberts, the costs of the appeal proceedings described in the heading of this decision.
14. The applicant is now invited to submit to Sheffield City Council, who have also been sent a copy of this decision, details of those costs with a view to reaching agreement as to the amount. If the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Office is enclosed.

J Smith

INSPECTOR