



Costs Decision

Site visit made on 19 March 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Costs application in relation to Appeal Ref: APP/J3015/W/24/3355220 Meadow View Glamping, Mill Farm, 62 Mill Road, Stapleford, Notts NG9 8GD

- 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 Aston Properties (UK) Limited for a full award of costs against Broxtowe Borough Council.
 - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
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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 applicant's claim makes reference to previous planning applications and the Council's alleged inconsistency of decision making and unwillingness to co-operate with the applicant to address its concerns. It is further claimed that the Council erroneously based its concerns on a single event in September 2024 and not on reasonable scenarios that may take place.
4. There is a detailed planning history to the site. It is clear that there was an administrative error in the first planning permission for the farm shop/café omitting Saturday opening hours, which was later rectified by a Section 73 application. The applicant's subsequent application to extend opening hours in the same terms as this appeal was refused by the Council for similar reasons. Each of these decisions are separate to the present appeal and do not form part of the costs application.
5. Insofar as these decisions are relevant to the question of the Council's consistency of approach, its decision on the application subject to this appeal re-stated its concerns from before. Given the same opening hours were sought, this reflects a consistent position from the Council. Although the applicant sought to address matters through a further noise assessment, it is clear from the evidence that the concern was not solely in respect of amplified music, but wider activity on the site at unsociable hours. It will be seen from my decision that I have agreed with the Council in these respects.
6. Moreover, I find no fault in the Council taking into account the wedding event in September 2024, or information on the business's website, as the overall evidence

indicates an intention for the site to be used for other purposes in addition to the approved café/farm shop. As explained in my decision, this information was material to considering whether extended opening hours were appropriate, particularly in the absence of any ongoing use of the barn.

7. I also find no inconsistency on the part of the Council's Environmental Health Officer (EHO), who objected to application Refs 23/00429/VOC, 24/00076/VOC and the current proposal, Ref 24/00536/VOC. Whilst noting that the EHO did not object to the licensing application, this is a separate regulatory regime with different legislative requirements. Ultimately, it is for the local planning authority to consider the comments of the EHO as part of its overall assessment, which in this case reasonably encompassed more than technical assessments of noise. In this respect, I have no evidence of any clear inconsistency on the part of the Council. Rather, its position has been consistent and made clear to the applicant across three separate planning applications.
8. Overall, I find no substantive evidence of unreasonable behaviour by the Council. My decision confirms that the Council did not refuse permission that should reasonably have been granted. Therefore, no award of costs is warranted.

K Savage

INSPECTOR