



Costs Decision

Site visit made on 27 May 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Costs application in relation to Appeal Ref: APP/J4423/W/24/3356956

Land to the rear of 81 and 83 Dore Road, Sheffield S17 3ND

- 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 Gossco 2012 Limited for a full award of costs against Sheffield City Council.
 - The appeal was against the refusal of planning permission for erection of two three storey buildings to provide residential apartments, with associated basement, car parking, works of hard and soft landscaping and other works incidental to the application proposals.
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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 sets out that the Council has delayed development which should clearly be permitted particularly given that the tilted balance is engaged and the legal opinion. In addition, the Council advised the applicant to reduce the number of units as an acceptable solution which they later reneged on, which resulted in a delay.
4. The Council set out that the applicant, out of their own choice, commissioned a legal opinion which was subsequently considered by the Council's legal team before the planning officers determined a course of action. They acknowledge that they gave advice to the applicant of different options for going forwards, but on further examination and following advice from their legal team, they came to a different conclusion.
5. It is clear from the evidence submitted that the applicant's legal opinion was considered by the Council. I can understand the frustrations of the applicant in terms of the delay in determining the planning application and advice provided. However, the case dealt with a complex issue, and the Council did allow the applicant to respond to their updated position. Furthermore, as set out in the applicant's legal advice, the matter in question requires an exercise of planning judgement, and my Appeal Decision found favour with the Council's case.
6. The reason for refusal and Officer's Report were clear to support and substantiate the Council's stance. 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.

7. 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