



Costs Decision

Site visit made on 18 June 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Costs applications in relation to:

APP/F4410/W/24/3356439

APP/F4410/W/24/3356614

APP/F4410/W/24/3356515

Hunters Cottage, Wellgate, Conisbrough, Doncaster DN12 3HN

- The applications are 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 applications are made by Mr Richard Hill for a full award of costs against City of Doncaster Council.
 - The appeals were against the refusal of planning permission for:
the erection of detached light industrial building on previously developed land (application ref: 24/00964/FUL);
outline application for the erection of a dwelling and garage (approval being sought for landscaping and layout) (application ref: 24/00965/OUT); and
outline planning (some reserved matters) for the erection of a 2 storey commercial retail/storage building and the erection of 1.75 storey short term rental tourist accommodation building (application ref: 24/00966/OUT).
-

Decision

1. The applications for awards of costs are refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the 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 sets out that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant's final comments on the 3 appeals each include a dedicated section outlining the award of costs claim. These sections therefore present to me the applicant's assertions as to why an award of costs is, in their view, justified. I have also had regard to the Council's rebuttal and the applicant's response since.
4. The Council's delegated reports referred to the version of the National Planning Policy Framework (the Framework) applicable at that time, citing a number of chapters within it which it deemed relevant to the 3 proposals. This included chapter 5, concerned with delivering a sufficient supply of homes, chapter 6 which relates to building a strong, competitive economy and chapter 11 which contains policies so as to ensure the efficient use of land. At paragraph 4.1 of its statement of case, the Council set out that the Framework had been updated in December 2024. It again listed those chapters of the Framework which it considered to be relevant to the proposed developments including amongst them chapter 11.

5. Therefore, the Council identified that national planning policy had changed. Given its consistent reference to relevant parts of the Framework, I have no firm basis on which to conclude that the Council has failed to have proper regard to the content of the Framework or that it failed to have regard to any benefits the 3 proposed developments would bring in the light of the Framework's policies.
6. The appeal site has been the subject of recent appeal decisions¹. The latter of those appeal decisions, which was allowed, was not made until after the Council had made its decisions on the 3 appeal proposals before me. Therefore, at the time it made those decisions, it could not have taken into account the inspector's findings.
7. Similarities can be found between the 3 appeal proposals before me and those schemes the subject of the previous appeal decisions. However, there are also differences. Even relatively small changes to matters such as the siting, scale and orientation of buildings can result in the effects of a proposed development upon the likes of character and appearance and living conditions likewise changing. The magnitude of those altered effects, and their acceptability, are ultimately matters of judgement for a decision-maker. The Council has concluded that each of the 3 proposals would result in unduly harmful effects and, whilst I do not agree, it was not unreasonable of the Council to come to the views that it did, and I do not find that they have unreasonably persisted with the same objections to the proposed developments which inspectors have previously indicated to be acceptable.
8. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In these cases, the Framework, and how the 3 proposals fare against it, and the past appeal decisions at the site are relevant material planning considerations. However, the weight to be given to a material planning consideration in a given case is a matter for the decision maker's discretion. Whilst I have not agreed with the decisions the Council made, it has not been demonstrated to me that the Council's attribution of weight has been unreasonable, nor that its decisions to refuse the planning permissions and defend the appeals have been so either.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred. I therefore conclude that an award of costs is not warranted. Finally, the appellant submits to me his view that the planning application fee should also be refunded, however, this is not a matter which I can instruct, and the PPG is clear that costs cannot be claimed for the period during the determination of a planning application.

H Jones

INSPECTOR

¹ Appeal Refs: APP/F4410/W/23/3331393 and APP/F4410/W/24/3344395