



Costs Decision

Hearing held on 2 July 2025

Site visit made on 2 July 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Costs application in relation to Appeal Ref: APP/F4410/W/24/3348523 Land adjacent to Stainforth Allotments, Old Field Lane, Stainforth, South Yorkshire DN7 5PE

- 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 Doncaster Metropolitan Borough Council for a partial award of costs against Mr Lawrence Cunningham.
 - The appeal was against the refusal of planning permission for the change of use of agricultural land to a caravan site, to provide 6 plots for residential accommodation for Gypsy/Traveller Families.
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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 hearing to be held on 9 April 2025 was postponed at short notice when the appellant's agent made the parties aware that he was unavailable due to a health-related issue. It was apparent that no other suitable person was available to represent the appellant at the hearing. The council are seeking costs in respect of Counsel fees and room hire costs that they incurred.
4. It is the council's case that the agent should have foreseen that the health-related issue would mean that they were unlikely to be fit enough to attend the hearing. Moreover, the council identify that to give such short notice that they could not attend was unreasonable and caused the council to incur unnecessary and wasted expenses.
5. In rebutting the council's application, the agent has referred to other work undertaken following the health-related issue and before the date of the hearing but, noted that the decision to inform the parties that they could not attend the hearing was following medical advice received on 7 April 2025.
6. I note that the health-related issue was not unforeseen, and it is not unusual for such an issue to impact on the individual's ability to travel and to work. Knowing this, it is highly unfortunate that the appellant did not make arrangements for a suitably knowledgeable and qualified person to attend the hearing in their place in the event that they were unable to.

7. Nonetheless, I am satisfied that, while the Planning Practice Guidance¹ does refer to failing to attend or to be represented at a hearing as an example of behaviour that may give rise to the awarding of costs against an appellant, I am satisfied that the late withdrawal of the appellant from the hearing was not without good reason. In this instance that is medical advice following a health-related issue.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted in this instance.

Mr M Brooker

INSPECTOR

¹ Paragraph: 052 Reference ID: 16-052-20140306