



Costs Decision

Site visit made on 1 July 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Costs application in relation to Appeal Ref: APP/P1045/W/25/3364495

North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ

- 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 Mr G Lowe for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the refusal of the Council to grant consent, agreement or approval to details required by a condition of a planning permission for the erection of 1no. dwellinghouse (Condition 3 on planning permission 22/0529/FUL).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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 respondent considers that the condition cannot be discharged as there is a breach of planning control because works have taken place on site to alter ground levels. However, a discharge of condition should be determined with regard only to whether the condition should be discharged based upon its merits. Any matters of lawfulness relating to the commencement of development and to condition precedent are reserved for consideration under Sections 191 and 192 of the Act.
4. It is also not relevant as to whether any works that have taken place accord with what is proposed under the condition discharge. It is only necessary to consider whether, if the proposed works are carried out, they would meet the aims of the condition. In this case, that is to address highway safety matters.
5. In light of this, the respondent acted unreasonably in refusing to consider the merits of the case and whether the condition could be discharged on the basis of the information that was before them. This led to the applicant incurring unnecessary expense in having to pursue an appeal. Although the applicant has not made reference to their application being for a full or partial award of costs, there is only one substantive area of dispute identified, that being whether or not the condition could, and should, be discharged. Therefore, the award must be made on a full award of costs basis.

Costs Order

6. 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 Derbyshire Dales District Council shall pay to Mr G Lowe, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to Derbyshire Dales District Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Wraight

INSPECTOR