Planning Inspectorate

Costs Decision

Site visit made on 21 July 2025

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Costs application in relation to Appeal Ref: APP/P4415/D/25/3366937
6 St James View, Ravenfield, Rotherham S65 4NL

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mrs Louise Smith for a full award of costs against Rotherham Metropolitan Borough Council.
- The appeal was against the refusal of planning permission for partial demolition of existing dwelling and erection of two storey front and first floor extensions.

Decision

1. The application for an award of costs is refused.

Reasons

2. 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. It is alleged that the council has acted unreasonably as it refused the application when it would have the same impact as an approved application; that the approved application represents a fall-back position which has environmental benefits that represent the very special circumstances that indicate that the proposal should be allowed; and that they failed to have appropriate regard to case law.

4. The two proposals differed in that the application subject to the appeal represented inappropriate development in the Green Belt whilst the previous application did not. It was necessary for the council to consider each under the different policy requirements.

5. Whether the approved proposal, together with the other considerations put forward, clearly outweigh the harm from inappropriateness and any other harm to the Green Belt, is a matter for the decision maker. I have not found the council’s assessment in this regard to be unreasonable.

6. Reference was been made to case law during the application and this was addressed by the council. The council identified that they did not consider the previous application to be a realistic fall-back position due to the financial viability position. As a result, the council was not satisfied that the permission would be implemented. The council had to make a determination as to whether they considered the implementation of the previous permission would take place in order to assess the weight to afford to it as a potential fall-back position.

7. It is not clear from the council's report whether the fall-back position was entirely discounted as a consideration and given no weight; or the weight afforded to it, based on their financial concerns, was just not sufficient, with the other matters, to clearly outweigh the harm from inappropriateness and any other harm. I am not persuaded that the lack of clarity in the report represents unreasonable behaviour. The council found that the considerations put forward did not outweigh the Green Belt harm so did not represent very special circumstances. This finding was not unreasonable. Even if the council failed to have regard to the existing permission as a consideration, which would have been unreasonable, I am not persuaded that this would have resulted in a different conclusion. The appeal would inevitably have been required in any event and the costs incurred. I am not satisfied that this was the case but in any event, unnecessary and wasted expense did not result.

8. Overall, I am not satisfied that the council acted unreasonably with regard to its approach to the development nor do I consider its assessment to have been flawed. I am not persuaded that there has been any unreasonable behaviour.

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified.

Peter Eggleton

INSPECTOR