
Costs Decision

Site visit made on 28 July 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Costs application in relation to Appeal Ref: APP/P1045/W/25/3361297

Land at Rear of Farm Cottage, Old Hackney Lane, Matlock, Derbyshire DE4 2QJ

- 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 Stancliffe Homes Limited for a full award of costs against Derbyshire Dales District Council.
- The appeal was against the refusal of planning permission for erection of 37no. residential dwellings

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. It is claimed that the Council acted unreasonably in refusing permission contrary to officer recommendation, acted inconsistently with other recent approvals and appeal decisions, and without regard for planning policy. It is stated that the actions of the Council have caused unreasonable delay and resulted in unnecessary costs in preparing evidence for the appeal.
4. Members of planning committees are not bound to accept the recommendation of their officers, and the ability of such a committee to reach its own view is an established part of the planning system. Such behaviour becomes unreasonable where the reasons for the decision of the committee are unclear or unsubstantiated.
5. In this instance, the concerns were clearly stated and adequately reasoned within the Council's evidence; even though I ultimately allowed the appeal, like the Council, I found that the proposal would result in a degree of harm to the character and appearance of the area and local landscape. This indicates that the Council's position in this regard was not unreasonable.
6. The Council would have been aware that an appeal against the refusal of planning permission for residential development on an adjacent site had recently been allowed. However, there are critical differences between the two sites, including the fact that the site in relation to the appeal before me was not wholly located on allocated land and represented an extension of the settlement beyond the existing envelope and established housing allocations. This is a crucial difference, and as a result this earlier decision did not fetter the Council in terms of reaching a decision

in relation to the proposal before me, as the circumstances were not wholly identical.

7. In terms of the application of Policy S4 of the Derbyshire Dales Local Plan, while this policy does make provision for residential development on sites at the edge of settlements where the Council cannot demonstrate a five-year supply of suitable housing sites, such support is caveated and subject to consideration against other policies in the plan, including those which relate to landscape protection. In finding landscape harm, the Council did not, therefore, act unreasonably in concluding that there was also conflict with this policy.
8. Having established that the Council's behaviour was not unreasonable, it also follows that the delay incurred is also not unreasonable, nor was the expense incurred through the preparation of appeal evidence avoidable. It is also notable that the Council appears to have co-operated during the appeal process in agreeing common ground, narrowing areas of disagreement and progressing the planning obligation within the required timetable.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR