
Costs Decision

Site visit made on 17 September 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 November 2025

Costs application in relation to Appeal Ref: APP/H1033/W/25/3368346 Thorncroft, Lower Hague, New Mills, Derbyshire SK22 3AP

- 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 & Mrs K Povah for a full award of costs against High Peak Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing outbuilding and erection of a single self-build dwelling with associated landscaping works.
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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 (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 PPG also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
4. The applicants assert that the Council failed to properly assess the proposal against its policies. This led to the Council's first reason for refusal, as outlined within the Council's Decision Notice.
5. As set out in the appeal decision for this development, I found that the proposal meets one of the exceptions listed under Policy EQ 3 of the High Peak Local Plan 2016 (LP). However, the Council failed to assess the proposal against the relevant exception, instead focusing on other exceptions or matters that were not applicable to the appeal scheme. In connection with this, the Council identified harm not only under LP Policy EQ 3, but also under LP Policy H 1. Yet, Policy EQ 3 does not require proposals to also comply with LP Policies H 1, S 1, or S 2 when an exception is met. Therefore, it was unnecessary for the Council to conclude that the proposal conflicted with these additional policies. In light of this, I consider that the Council's first reason for refusal amounted to unreasonable behaviour, resulting in unnecessary and wasted expense in addressing this issue during the appeal.

6. The appeal development, however, has been refused on two grounds. I have reached a similar conclusion to that of the Council in that the applicants failed to submit adequate evidence in relation to the biodiversity net gain/self-build dwelling issue. Accordingly, there was disagreement between the parties on the merits of the case, which could have only been resolved through the appeal process.

Conclusion

7. Given the need to address the issue outlined above regarding acceptable forms of new residential development in the countryside, I find that the Council has demonstrated unreasonable behaviour. This has resulted in unnecessary and wasted expense, consistent with the circumstances described in the PPG. Accordingly, I consider that a partial award of costs is justified.

Costs Order

8. 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 High Peak Borough Council shall pay to the applicants the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the first of the Council's reasons for refusal, which concerned alleged conflict with Policy EQ 3 of the High Peak Local Plan 2016.
9. The applicants are now invited to submit to the 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. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Andreea Spataru

INSPECTOR