
Costs Decision

Site visit made on 22 October 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Costs application in relation to Appeal Ref: APP/A3010/W/25/3369922

Mckenna Precision Castings Ltd, Offices, Lawn Road, Costhorpe,

Nottinghamshire S81 9LB

- 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 JGM (Nottm) Ltd for a full award of costs against Bassetlaw District Council.
 - The appeal was against the refusal of prior approval for the conversion of vacant office space to form 8 residential units.
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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, 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 not clear why the Council refused the second application for prior approval for multiple reasons, and it only dismissed the first application on the transport impacts of the development, when the proposals were similar. There is also no evidence that the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO) was revised in the intervening period.
4. Nonetheless, the Council correctly assessed both applications against the criteria specified in the GPDO. Also, the Environmental Health Officer (EHO) did raise concerns with noise as part of the first application. As per the Appeal Decision, I share the Council's concerns on both the impacts of noise from commercial premises on the intended occupiers, and the impact of the introduction of a residential use within an area that the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. Consequently, the Council has not acted unreasonably in this regard as it has considered the proposal against the legislation and substantiated its reasons for refusal.
5. The applicant contends that the Council failed to work proactively with them during the determination of both the applications for prior approval. Although the Council did not engage with the applicant, a significant amount of further evidence would be required to address the Council's concern with noise. I do not consider that additional engagement would have resolved this matter. Furthermore, the applicant was aware of the EHO's concerns from the first application and did not seek to

address it within the second application. Therefore, the Council has not acted unreasonably by refusing the application without engaging with the applicant in this instance.

6. As per the appeal decision, there is no substantive evidence to indicate that the Council did not issue its decision within 56 days from when it received the application in full, including the application fee.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR