



Costs Decision

Hearing held on 20 November 2025

Site visit made on 20 November 2025

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Costs application in relation to Appeal Ref: APP/R4408/W/25/3370948

Land off Goldthorpe Road, Goldthorpe.

- 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 W Redmile & Sons Ltd for a full award of costs against Barnsley Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for erection of 106 dwellings and associated works including provision of access, public open space and landscaping
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Decision

1. The application for an award of costs is allowed, in part, 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 advises that, irrespective of the outcome of the appeal, costs may only 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.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. The Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. The appellant submits that Barnsley Metropolitan Borough Council acted unreasonably insofar as: 1) it disregarded the viability evidence submitted by the applicant, the findings of which were independently verified; 2) failed to substantiate its opposition of the proposed scheme with evidence; 3) failed to consider the scheme against the development plan as a whole; 4) failed to consider its housing land supply position as part of its decision; 5) failed to provide a clear reason for refusal in referencing the PPG as a whole and not a specific part of this guidance. As a result, the appeal has caused unnecessary expense.
6. In light of the above the appellant seeks a full award of costs. The appellant also seeks the cost of both their and the Council's viability assessments. However,

paragraph 59 of the National Planning Policy Framework (the Framework) states that it is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment.

7. In its reason for refusal the Council stated that the development conflicted with the PPG but did not reference a specific part. As such, it failed to provide a clear reason for refusal in respect of the PPG, which amounts to unreasonable behaviour.
8. Both the Framework¹ and the PPG² state that the weight given to a viability assessment is a matter for the decision maker. In reaching their decision Members balanced the need for affordable housing in the area against the findings of the viability assessment, assigning weight accordingly as the decision maker. As such, I cannot agree the Council has acted unreasonably in this regard.
9. Although there had been examples of past appeals where the Council's housing land supply position was assessed, during the Hearing the Council confirmed that official published figures of the current housing land supply position were not available when members made their decision. I therefore cannot agree that members acted unreasonably in regard to the housing land supply position when they made their decision.
10. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the Council's failure to provide a clear reason for refusal only, and a partial award of costs is therefore warranted.

Costs Order

11. 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 Barnsley Metropolitan Borough Council shall pay to W Redmile & Sons Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in regard to its failure to provide a clear reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Barnsley Metropolitan Borough 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.

C Livingstone

INSPECTOR

¹ Paragraph 59

² Paragraph: 010 Reference ID: 23b-010-20190315, Revision date: 15 03 2019