



Costs Decision

Site visit made on 6 January 2026

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Costs application in relation to Appeal Ref: APP/B3030/W/25/3360680 The Maltings Retail Park, Northgate, Newark on Trent, Nottinghamshire NG23 1HD

- 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 Merchant City Ltd for a full award of costs against Newark & Sherwood District Council.
 - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
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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, 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 applicant considers that the evidence provided with their application was sufficient to demonstrate that the condition subject to the application should be removed, and that the lack of specific evidence from the Council to the contrary meant that their decision was unreasonable. As a result, the costs of pursuing an appeal were an unnecessary expense.
4. In response, the Council states that the reasons for their decision, including the reasons why the Local Highway Authority (LHA) in particular were not satisfied with the evidence on the application was clearly set out and explained.
5. Having reviewed the evidence, I agree with the position of the Council. Whilst the applicant is dissatisfied with the approach of the Council to their application, I find nothing in their behaviour unreasonable. The Council and the LHA made clear their objections to the proposal, in advance of their decision, and then set this out clearly, specifically and accurately in their Decision Notice.
6. As explained in my main Decision, on my assessment of the evidence of all main parties and the approach to this by the LHA in particular, I find nothing unreasonable in the approach of the Council to the appeal application.
7. Nor do I find their behaviour during the appeal process unreasonable, in which they plainly restated their original assessment of the proposal and their conclusions on the evidence before them and their consultees.

Conclusion

8. I therefore find that the Council did not behave unreasonably, neither did their behaviour not cause the applicant unnecessary or wasted expense in the appeal process.
9. The application should then be refused.

S Dean

INSPECTOR