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## Costs Decision

Site visit made on 28 November 2025

**by N Duff BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 February 2026**

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### **Costs application in relation to Appeal Ref: APP/R4408/W/25/3372438**

#### **81 Swallow Hill Road, Low Barugh, Barnsley S75 1LY**

- 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 P Needham for a full award of costs against Barnsley Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for the development described as 'application for replacement dwelling at 81 Swallow Hill Road, Mapplewell, and installation of solar pv and an air source heat pump, on previously developed land, where existing access and fw sewer connection remains in situ, and demolition of the existing bungalow.'
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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 application for costs relies to a substantial extent on whether the Council has acted unreasonably by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations, generalised assertions about impacts of a proposal, refusing planning permission on grounds that are capable of being dealt with by conditions and not determining cases in a consistent manner.
4. The evidence shows that there were several email exchanges early in the application process, in which initial consultation comments were provided. The Council states that none of these emails confirmed that the principle of development was acceptable. However, the applicant refers to a telephone call in which the planning officer reportedly said that the application would be approved. The applicant has also provided an email from the officer stating that, 'unfortunately, upon further investigation and following an appeal brought to my attention, it seems that the principle of development is unacceptable in this instance'. I recognise the applicant's frustration, especially given the positive tone of many of the emails earlier in the process.
5. However, with regard to the decision the Council made on the planning application, the Council produced a comprehensive officer report clearly outlining the issues, and concluded against them, which included multiple references to development plan policies and national policy. I am also satisfied, based on the officer report that

- the Council considered other material considerations and applied weight to them, and has taken into account the information provided with the application. Whilst the conclusion of the Council was to refuse the planning application, and the applicant does not agree with the decision, I do not find that the Council has prevented or delayed development that should have been permitted.
6. The applicant states that further reports were prepared in response to consultee comments leading to wasted expense as a result of correspondence between the main parties. According to the applicant's evidence, all consultation responses and requests for information were prior to the telephone call on 25th February 2025 indicating that the application was likely to be approved. Although it may appear unreasonable for the Council to request additional information for a proposal that was ultimately refused, the information provided addressed certain issues and was gathered before indication of the outcome was given.
  7. Having regard to matter of trees, the Council has stated in its costs' rebuttal that while the issues regarding trees could be dealt with by condition, the LPA's objection to the principle of development would have remained unresolved, and the application would still have been refused on this basis. In this case, as the Council was not satisfied that there was sufficient justification for the removal of the trees which remained unresolved, I do not consider that the Council has behaved unreasonably by including the matter of the loss of category B trees as a reason for refusal.
  8. Turning to generalised assertions about impacts of a proposal. The officer report, clearly discusses, in detail, the site-specific nature of the scheme, including the effect of the proposal on the Green Belt, and trees. Therefore, I do not consider that the impacts of the proposal are generalised.
  9. With regard to whether the Council acted unreasonably by failing to determine cases consistently, this point relates specifically to the decision at 56 Hill End Road. I appreciate that both cases were for replacement dwellings, however, the Council's position is that the circumstances of the two cases were materially different. I accept that each application must be assessed on its own merits. Based on the evidence before me, I am satisfied that the Council did not act inconsistently in determining these cases.
  10. Therefore, for the above reasons, whilst the outcome of the application was frustrating for the applicant. I do not find that the Council has behaved unreasonably, and given the Council's conclusion that the scheme was unacceptable and my findings regarding the planning merits of the case, an appeal was unavoidable.
  11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*N Duff*

INSPECTOR