



Costs Decision

Site visit made on 6 January 2026

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2026

Costs application in relation to Appeal Ref: APP/X3025/W/25/3370422

Phase 2 - Plots 9A, 9B, 10 and 12A, Land adjacent to the A617, Mansfield Ashfield Regeneration Route (MARR), between Nottingham Road and Southwell Road West, NG18 6AF

- 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 Bellway Homes Limited (East Midlands) for a full award of costs against Mansfield District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for approval of reserved matters for [development].
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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 contends that the Council has behaved unreasonably on both procedural and substantive grounds. It argues that the appeal was necessary due to a failure of the Council to determine the application within the statutory time limit. It further contends that development has been delayed by the imposition of numerous conditions that fail the tests set out in the National Planning Policy Framework.
4. The PPG advises that where it is clear that the local planning authority (LPA) will fail to determine an application within the time limits, it should give the applicant a proper explanation. It further advises that, in appeals against non-determination, the LPA should explain both why it failed to reach a decision within the relevant period and why planning permission would not have been granted had the application been determined within that period¹.
5. The Highway Authority (HA), the key consultee, submitted an initial response on 26 March 2025 objecting to the proposed change to condition 12 and removal of conditions 10, 11, and 13. A further response, also dated 26 March 2025 but apparently received by the Council on 18 June 2025, maintained those objections.
6. Despite the HA's position being known throughout most of the application process, the evidence before me indicates that the Council made little, if any, attempt to

¹ Appeals Paragraph: 048 Reference ID: 16-048-20140306

- resolve those concerns. Moreover, its Statement of Case suggests that it did not consider the concerns capable of being resolved, other than in relation to condition 12.
7. In the absence of any explanation from the Council for its failure to determine the application within the statutory period, and given that the HA's concerns were known at an early stage and remained materially unchanged, I find no reasonable justification for the delay. This amounts to unreasonable behaviour for the purposes of the PPG
 8. In the absence of any indication from the Council as to when a decision would be made, the Applicant had little option but to lodge an appeal against the Council's failure to determine the application. However, the evidence indicates that the Council would not have approved the proposed variation/removal of the conditions. Consequently, while the delay may have been unreasonable, there is no substantive evidence to suggest that the appeal would have been avoided if the application had been determined in a timely manner.
 9. For the reasons set out in my appeal decision, I have not agreed with the Applicant that conditions 10 and 13 should be removed. Although I have concluded that condition 11 should be removed because a new junction is not necessary in the interests of highway safety, I have replaced it with an alternative condition that appropriately addresses the Council's concerns. In these circumstances, I cannot conclude that the Council acted unreasonably in defending the necessity of those conditions. Nor can I conclude that its position caused the Applicant to incur unnecessary expense.
 10. Furthermore, the Applicant's appeal submissions on conditions 5 and 12 are limited and largely repeat the case advanced in the planning application. Consequently, very little extra work appears to have been required to pursue this aspect of the appeal, and I am not persuaded that any meaningful wasted expenditure was incurred.
 11. Accordingly, whilst I have concerns regarding the Council's handling of the application, and in particular its failure to determine it within the statutory period, I am not satisfied that the Applicant has demonstrated that this resulted in unnecessary or wasted expense. An award of costs is therefore not warranted.

Elaine Moulton

INSPECTOR