



Costs Decision

Site visit made on 25 June 2021 by G Sibley MPLAN MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Cost application in relation to Appeal Ref: APP/F4410/D/21/3271564 17 Westwood Road, Bawtry, Doncaster DN10 6XB

- 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 Tom Lewis for the full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was made against the refusal of planning permission for erection of 2 storey rear extension and creation of dressing room in the loft space and erection of detached garage/workshop following demolition of existing garage with laurel hedge around the boundary and gates to the front and the addition of a detached outbuilding to the rear without complying with a condition attached to planning permission Ref 20/00949/FUL, dated 1 July 2020.
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Decision

1. The application for the award of costs is refused.

Procedural Matter

2. The following report has been prepared by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding whether to make an award of costs.

Reasons for the recommendation

3. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, 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.
4. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
5. Whilst the decision was made contrary to the officer's recommendation at planning committee, this in and of itself is not unreasonable behaviour, so long as the reasons for refusal were clearly set out in the decision notice. The committee members carried out an objective analysis of these elements of the proposal and substantiated its refusal reasons with reference to relevant policy considerations in relation to the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings as well the character and appearance of the area.

6. For the reasons set out in my report relating to the associated appeal decision I disagreed with the Council on the planning merits of the scheme. Whilst I disagreed with the Council's assessment of the proposed development, the weight attributed to the material considerations of a case is matter of planning judgement by the decision maker which was the planning committee in this instance. Whilst the applicant has concerns about the handling of the application, vague, generalised or inaccurate assertions about the proposal's impact were not made in the reasons for refusal.
7. The applicant was disappointed with the Council's handling of the application, procedures and subsequent outcome. However, its submissions were, on balance, sufficient to substantiate its case and its behaviour and actions at the time of the planning application have not resulted in unreasonable behaviour or unnecessary or wasted expense at appeal stage.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's costs report above, and, on that basis, I too agree and conclude the applicant has failed to demonstrate unreasonable behaviour resulting in unnecessary expense as described in the PPG. The application for costs is therefore refused.

Martin Seaton

INSPECTOR