



Costs Decision

Site visit made on 22 January 2024

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th February 2024

Costs application in relation to Appeal Ref: APP/F4410/W/23/3318364 Field off Bawtry Road, Finningley, Doncaster

- 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 Mrs Natalie O'Connor, G.A. Mell (Builders) Ltd, for a full award of costs against Doncaster Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the construction of stables and change of use of field to equestrian use.
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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 asserts that the Council have failed to demonstrate their case and the reason for refusal is based on a flawed and prejudiced understanding of the proposal. They consider that the action of the Council to misinterpret case law, national guidance, and their own local planning policy, despite professional advice, is considered to represent unreasonable behaviour. The applicant also sets out that no support from the elected members has been provided and the Council has failed to provide any clear or justifiable evidence to support the reason for refusal. They state that they have had to appeal the decision which has resulted in additional costs, delays, and uncertainty for the applicant.
4. The Council sets out a timeline of events and asserts that it is not an unusual situation for an application to be refused planning permission contrary to the recommendation of officers. In determining the application, committee members gave greater weight to the fact that the proposal would contribute little benefit to a prosperous rural economy than the planning officer did. The Council state the reason for refusal is in accordance with adopted planning policy and was formed on the basis of the facts, local knowledge and debate that took place at the planning committee meeting.
5. The committee members were entitled to go against the professional advice of officers. The Council's statement of case, and reason for refusal, demonstrates why the Committee found that the proposal would be unacceptable and clear evidence was provided to substantiate that reasoning. The application required an exercise of planning judgement, and my Appeal Decision found favour with the Council's case. Accordingly, the Council has not prevented development

that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.

6. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

L Wilson

INSPECTOR