The Planning Inspectorate

Costs Decision

Site visit made on 17 December 2012

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2013

Costs application in relation to Appeal Ref: APP/H1033/A/12/2180900
Ellibancke Farm, Redmoor Lane, New Mills, Derbyshire SK22 3LL

- 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 M Hopkins for a full award of costs against High Peak Borough Council.
- The appeal was against the refusal of planning permission for a replacement barn.

Decision

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

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only 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 Council's reasons for refusal are complete, precise, specific and relevant to the application and are supported by reference to relevant saved development plan policies. Although I have not agreed with the second reason for refusal in relation to the inappropriateness of the proposal, the Council has produced a statement that provides a respectable basis for its stance with regard to all its reasons for refusal.

4. Whilst the applicant has suggested that the Council has not engaged in discussions or worked proactively to solve problems, as recommended in paragraph 187 of the National Planning Policy Framework (Framework), he has not shown that he has pursued all the appropriate channels of communication with regard to the appeal application, such as the Council's pre-application advice service. Furthermore, I have found that the proposal would not represent sustainable development in accordance with the Framework.

5. Both parties are in agreement that a telephone discussion was held with the Council's officer on 12 July. However, limited evidence has been provided to show that that there was an exchange of e-mails or that any attempts were made to provide details of the proposed development to obtain a response prior to the application. The e-mails provided by the applicant are dated after the determination of the application and indicate that the Council has responded, even though at times there was a delay and no agreement has been reached. As such, I find that there is insufficient evidence to show that the Council acted unreasonably with regard to its determination of the application or in responding to requests for information prior to the appeal.

6. For the reasons given above, I have found that the Council has provided substantial evidence to support its reasons for refusal. It has shown that it has not delayed or prevented a development which should clearly have been permitted. There is insufficient evidence to show that the Council did not respond in a timely fashion whenever its input was required or that an unacceptable time had been taken in the determination of the application. Therefore, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and that a full award of costs is not justified.

M J Whitehead

INSPECTOR