The Planning Inspectorate

Costs Decision

Site visit made on 9th July 2013

by Clive Whitehouse BA(Hons) MCD MRTPI

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

Decision date: 9 August 2013

Costs application in relation to Appeal Ref: APP/H1033/A/13/2196660 Site at Old Quarry, rear of Thorpe Street, Old Glossop, Derbyshire SK13 7RW

- 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 Wood for a partial award of costs against High Peak Borough Council.
- The appeal was against the refusal of planning permission for the erection of 12 single garage units.

Decision

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

Reasons

2. The arguments both for and against an award of costs are set out in the written representations of the parties and it is not necessary for those to be repeated in this decision.

3. 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 expense in the appeal process.

4. The Inspector in the previous appeal upheld the highway safety reason for refusal but concluded that in other respects the garages would be likely to result in an improvement to the character and appearance of the site and the area generally. On behalf of the applicant it is contended that the Council has unreasonably sought to re-argue design and layout matters that were settled by the previous appeal decision. The application for a partial award of costs is confined to those matters.

5. The Council's second reason for refusal in the present case refers only to the visual impact of the proposed footpath alterations within the Thorpe Street carriageway. The highway works would be more extensive than previously proposed, and this aspect caused specific concerns to be raised by the Council's Design and Conservation Officer. Although I have not endorsed those concerns in my decision on the appeal, I am satisfied that the Council's second reason for refusal was not unreasonable and has been adequately justified in the appeal statement.

6. The Council's appeal statement does repeat some of the design and layout concerns that were raised in the previous appeal, and expresses disappointment at the previous Inspector's conclusions. However, it is significant that none of those concerns were incorporated into the second reason for refusal, and this gives a clear indication that they are no longer considered to be main issues. To some extent those matters reflect the continuing concerns of local objectors and I consider that the Council did not behave unreasonably in reviewing those matters in its appeal statement, notwithstanding that they do not form part of the reasons for refusal.

7. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

C Whitehouse

INSPECTOR