The Planning Inspectorate

Costs Decision

Site visit made on 24 March 2014

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 3 April 2014

Costs application in relation to Appeal Ref: APP/H1033/D/14/2214429
13 Peveril Avenue, New Mills, High Peak SK22 4EB

- 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 S Heyes for a full award of costs against High Peak Borough Council.
- The appeal was against the refusal of planning permission for a proposed new 2 storey side and rear extension.

Decision

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

Preliminary Matters

2. The application for costs was made on the basis of Circular 03/2009, which has been superseded by the Planning Practice Guidance. However, having regard to the submission put to me, I am satisfied that no party's interests will be prejudiced by my judging the application against the Planning Practice Guidance.

Reasons

3. Paragraph 16-030 of the Planning Practice Guidance states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.

4. The appellant considers that the Council have behaved unreasonably on three counts; firstly that the Council did not give due consideration to paragraph 60 of the National Planning Policy Framework (the Framework); secondly that the reason for refusal for the application considering the effect on the residential amenities of the neighbouring properties was without substance; and thirdly, that they were denied the opportunity to have their application considered by the planning committee of the Council.

5. The Council considered the Framework in their decision, and paragraph 60 of the Framework was explicitly considered in the Planning Officer's delegated report. The Council considered this paragraph in its context within Section 7 of the Framework and considered that the proposed extension would be contrary to this section and the Framework as a whole. The Council have not therefore behaved unreasonably in this respect.

6. On the issue of residential amenity, the Council considered that the proposed extension would have an adverse effect on the living conditions of the neighbouring properties on both sides. Planning appeals often involve matters of judgement concerning the living conditions of adjoining occupiers of property. Whilst I have come to a different view to the Council on this issue, the Council nevertheless produced evidence for the appeal in the form of their delegated report and the reasoning contained within it. The Council have not therefore behaved unreasonably in this respect.

7. Finally, the appellant considers that had their application been reported for determination to committee, it may have been allowed, thereby avoiding an appeal. In this respect they were disappointed with the Council's policy for delegated decisions. However, I note that the Planning Applications Manager replied to the request for the application to be considered at committee, explaining the reasons why the application would be dealt with under delegated powers. The Council have not therefore behaved unreasonably in this respect. Dissatisfaction with the Council's procedural policies should appropriately be made in the first instance through the authority's own complaints procedure.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jon Hockley

INSPECTOR