



Costs Decision

Site visit made on 22 October 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Costs application in relation to Appeal Ref: APP/H1033/W/24/3341655 Land off Marple Road, Chisworth SK13 5RZ

- 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 L and G Williams for a full award of costs against High Peak Borough Council.
- The appeal was against the refusal of planning permission for an access and track.

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 has raised particular concerns with the third reason for refusal, stating that it was imposed despite there being no objection from the Highway Authority. However, the Highway Authority is a consultee, and it is the Local Planning Authority (LPA) who are responsible for making a decision on the planning application.
4. The Council has set out its reasoning for justifying this aspect of the refusal which relates to the visibility splay being over land in third party ownership. Whilst further information in the form of a letter has been submitted with the appeal from the adjacent landowner, this was not previously before the LPA.
5. The LPA's Questionnaire did not contain the second response from the Highway Authority, but a copy has been provided by the applicant. As the LPA has acknowledged the response in its Statement of Case¹, this administrative shortcoming is not unreasonable behaviour.
6. The applicant has also set out that the decision taken to refuse permission is without foundation in the policies referenced in the refusal notice. Although I have found the appeal to be acceptable, the LPA has set out an adequate level of reasoning to justify its stance, including with reference to policies.
7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Rafiq INSPECTOR

¹ July 2024