



Costs Decision

Site visit made on 14 August 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Costs application in relation to Appeal Ref: APP/P4415/W/17/3190757 Harrycroft Quarry, Worksop Road, South Anston S81 8BD

- 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 Tarmac for a full award of costs against Rotherham Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for variation to condition 6 imposed by RB/2006/2094 to amend the required period for the submission of a revised scheme for the restoration of the site should mineral extraction/waste infill cease for a period in excess of twelve months at Harrycroft Quarry, Lindrick Dale, Lindrick, Rotherham for Lafarge Aggregates Ltd without complying with conditions attached to planning permission Ref: RB2010/1308/VC dated 20 December 2010.
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Decision

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

Reasons

2. The *Planning Practice Guidance* ('the PPG') advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Examples include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, and failure to produce evidence to substantiate each reason for refusal on appeal¹.
4. Having regard to the consultation response from the Council's Transport and Highways Design section, the Case Officer recommended that the Planning Board should grant permission for the proposed development. The Board members took a contrary view and the application was refused on highway safety grounds: specifically that, in terms of the speed and volume of traffic and restricted width and visibility, the A57 in the vicinity of the access is unsuitable to accommodate the additional HGV traffic entering and leaving the site.

¹ PPG Ref ID: 16-049-20140306

5. Planning authorities are not bound to accept the professional advice of their officers, but if the advice is not followed authorities will need to show reasonable grounds for taking a contrary decision and produce evidence to justify the refusal.
6. I have reached a contrary view to the Council on the merits of the proposal. However, the Authority has provided sufficient evidence to support its case; one which is based on reasonable planning grounds. Specifically, by reference to the *Design Manual for Roads and Bridges*², accident data and other material considerations, the Council has explained how the proposal would lead to HGVs entering and leaving the busy A57 at a point where the carriageway width is restricted and overhanging vegetation impedes visibility, leading to conflict with other traffic to the detriment of highway safety. In these circumstances, it is not unreasonable for the Council to have concluded that the imposition of planning conditions would not adequately address its concerns, and particularly those regarding the restricted width of the A57 near the access to the appeal site.
7. Despite my findings on the highway merits of the proposal, I consider that the Council has satisfactorily demonstrated how it considered the proposal would compromise highway safety on the A57 in the vicinity of the site access.
8. Whilst it is unfortunate that the Council's appeal questionnaire and the appendices to its appeal statement were submitted late, the documents were forwarded to the applicant for comment and there is no evidence to show that the delays incurred unnecessary expense for the company.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs fails.

Michael Moffoot

Inspector

² Published by Highways England