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22nd August 2025

Planning Inspectorate
Room 3 O/P,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

Dear Inspector,

Costs Claim Rebuttal in relation to 24/00384/FUL

Thank you for the opportunity to respond to the costs appeal. Apologies this was sent on the last day requested, however we are currently battling through a period of several illnesses across the department, and I am technically off work whilst I write this rebuttal.

Bassetlaw District Council categorically refute the position of the appellants stating unreasonable behaviour has occurred on behalf of the Council. Instead, the Council would like to raise a costs claim against the appellants on the basis of unreasonable behaviour. This will be handled under a separate cost claim application, however the below is in direct response to Part E which was supplied as a separate paper (not dated or titled) to justify the appellant's position.

Paragraph 1 of the justification for the appellants costs claim states "*it is considered that the planning authority acted unreasonably in both procedural and substantive terms, by delaying the approval of development which should clearly have been permitted.*" As the appellant should be aware, no planning application is guaranteed a consent. On applications such as this one, where harm is identified (and acknowledged by all parties) a balancing act is necessary, weighing up the public benefits versus the identified harm. With the overall aim to reach a sound decision in balance. In the eyes of the Local Planning Authority (LPA), it is unreasonable

to assume the appellant's position that 'the development should clearly have been granted and therefore any difference of opinion is unreasonable.'

Looking at Paragraph 2 of the appellants statement, the statement is made that there was no change to the development plan or the policy context during the course of the application which would warrant further or additional information. Regardless of any rational, it is considered pertinent to point out that the NPPF was revised in December 2024 and Bassetlaw adopted a New Local Plan in May 2024, both events within the timeline of this application, and both having rather significant impacts in terms of any assessing policy context.

Paragraph 3 and the various bullet points all relate to the subject matter governing the decision-making process. Ultimately, the crux of the argument and costs claim reverts to the appellant's assumption that the permission was guaranteed because of the view that any consideration or weight attached to the heritage harm identified is unreasonable, due to the appellants perception that any benefits negate this. To reiterate the aforementioned point, this stance is considered unreasonable. Planning is not black and white, decisions must be weighed in the balance, with benefits and harm carefully considered. This therefore leaves room for interpretation and judgement. The Case Officer balanced the various material considerations, both in the Officer Report and verbally before Committee Members, and in both cases resulted in a balanced decision.

As per the specific points raised, the appellants have referred to heritage not being considered, yet this was an intrinsic element throughout the assessment of the application. Heritage can be seen referred to throughout the Officer Report. Advice was provided by the appellant, our own inhouse heritage team, and Historic England. Simply because the report produced by the appellant did not weigh more than other professional advice, is not considered valid grounds to claim unreasonable behaviour in the eyes of the LPA.

The second point relates to the National Policy Statement EN-3 and prohibiting the use of best and most versatile land. However, as per paragraph 10.1, and 10.2 of the Officer Report, Policy ST1 of the recently adopted Local Plan was applied which seeks to minimise use of this land, not prohibit it. Regardless, it is unclear what the appellants are trying to suggest. The Officer Report and Conclusion is clear in that the Land Classification was not a predominating factor. Simply, the land classification was considered, as legally it should, however this was not the sole point of concern, nor would it have formed a sole reason for refusal, should the application have been refused.

The third raise point relates to paragraph 168(a) of the NPPF and the weight attributed to renewable energy schemes and associated infrastructure; however, I believe the Officers conclusion in paragraph 10.65 excellently demonstrates this weight. However as mentioned, the decision on this application is one that requires a balance to be struck, weighing up the benefits, against the identified harm.

Finally, point four relates to the appeal decisions provided by the appellants that were duly considered, and helped greatly in the inevitable balancing exercise, resulting in the ultimate recommendation. I am unsure how the Officer could have demonstrated this anymore than they could have demonstrated they looked at the site plan, layout, Design & Access Statement, or any other supplied information with the application.

Again, the lack of understanding by the appellant that different professional views can be reached is concerning, however that is not material to this cost application. Regarding the

application going to committee, the Case Officer notified the appellant of the next possible planning committee being June, which was accepted. However, it is acknowledged that June's Planning Committee was subsequently cancelled, however that was down to two reasons:

1. Bassetlaw District Council's IT system was being upgraded (moved to a cloud based solution) and we had no technical ability to issue any decisions for nearly two weeks (this was only supposed to be for 2-3 days). This meant that any resolution made by committee would not be issued for between 3 to 5 weeks post Committee due to the volume of applications requiring to be issued (backlog + live apps), and therefore a decision would likely not have been issued until past the July Committee away, so the date of Committee is arbitrary.
2. No Chief Officer's were available (I was on my honeymoon, and substitute, the Development Management Manager was undergoing major surgery).

As such June's Planning Committee was cancelled and this application placed on July's committee agenda. As such, we acknowledge there was technically a month's delay, however given the circumstances, and this warning provided to the appellants in advance, this is not considered unreasonable.

It is noted the appellant has supplied a timeline including their commentary but providing no evidence (emails or agreed notes) as proof for any such point in the timeline. Rather than rebuttal each point in turn, this is disagreed with in its entirety. Instead, a timeline of the applications lifecycle has been provided below (please see Appendix A) furthermore, some pertinent communications have been provided also (please see Appendix B), both from our system.

To conclude, the LPA are of the opinion that they have acted reasonably, especially in relation to each point made by the appellant in Part E of the cost claim documentation. Instead, it is considered relevant to note that the application was taken before July's Planning Committee and Members resolved to refuse the application, had the application not been appealed on the basis of none-determination. This cost claim, in my own view, can be reduced down to the fact the appellant disagrees with the decision that Officers and ultimately members took, and then wanted to circumnavigate Planning Committee. The rational for this can only be guessed at, however fundamentally, the application was due for committee in July, but the appellant eliminated this opportunity for democratic process by virtue of this appeal. As stated, a subsequent cost claim shall be submitted on behalf of the LPA shortly, in relation to this matter.

Should you have any further questions or queries in relation to this claim or the information provided, please do not hesitate to contact me.

Yours faithfully,



Alastair Curran BScEcon MLitt MSc MTCPA MRTPI

Head of Planning & Place (Chief Planning Officer)

Appendix A

Timeframe	Event	Comments
3 rd April 2024	Application received by the LPA	
10 th April 2024	Invalid letter sent	Certificate C missing from the submission
10 th April 2024	Application made valid by the LPA	
11 th April 2024	Initial consultations sent	Expiry date 2 nd May 2024
12 th April 2024	Additional documents received by the LPA (Arboricultural Report and Impact Assessment)	Although these could have been rejected, these were accepted by the LPA and consulted on.
15 th April 2024	Emails exchanged between LPA and agent re: CIL	
16 th April 2024	Site notice posted	
17 th April 2024	Consultation response received/made public	Gamston Aviation
18 th April 2024	Neighbour comments received/made public	
24 th April 2024	Consultation response received/made public	LLFA
25 th April 2024	Consultation response received/made public	Fire Protection Officer
26 th April 2024	Consultation response received/made public	Environment Agency
30 th April 2024	Consultation response received/made public	Newark & Sherwood Council
1 st May 2024	Consultation response received/made public	BDC Environmental Health
1 st May 2024	Consultation response received/made public	County Archaeology
2 nd May 2024	Consultation response received/made public	NCC Minerals & Waste
3 rd May 2024	Consultation response received/made public	East Markham Parish Council

8 th May 2024	Neighbour objection received/made public	
8 th May 2024	Consultation response received/made public	Ecology Officer
10 th May 2024	Neighbour objection received/made public	
10 th May 2024	Consultation response received/made public	Conservation Officer
13 th May 2024	Consultation response received/made public	Historic England
15 th May 2024	Consultation response received/made public	Elkesley Parish Council
16 th May 2024	Consultation response received/made public	Natural England
16 th May 2024	Consultation response received/made public	Nottinghamshire Wildlife Trust
17 th May 2024	Consultation response received/made public	Natural England
17 th May 2024	LPA emailed agent for additional information requested by Natural England and Nottinghamshire Wildlife Trust	It should be noted, these were publicly available and therefore the LPA did not need to ensure these concerns were picked up by the applicant.
20 th May 2024	Consultation response received/made public	National Trust
30 th May 2024	Additional information (rebuttal to comments) received from the agent in response to the email dated 17 th May 2024 requesting it	
12 th June 2024	Consultation response received/made public	Highways Authority
13 th June 2024	Consultation response received/made public	Natural England
26 th June 2024	Additional consultations sent	Environmental Health

3 rd July 2024	LPA sent an extension of time request	Requested EOT date 30 th September 2024, agent agreed
26 th July 2024	Additional information/documents received	<ul style="list-style-type: none"> • Phase 1 Preliminary Risk Assessment • Site Drawings x 20 • Site Maps x 20 • Site Maps x 36 • Coal Mining Report
14 th August 2024	Consultation response received/made public	BDC Environmental Health
11 th September 2024	Additional information received	<ul style="list-style-type: none"> • Heritage Note • Agent response to Highways • Preliminary Ecological Appraisal • Amended Proposed Site Layout Plan • Landscape & Visual Impact Assessment
25 th September 2024	Additional consultations sent	Historic England
9 th October 2024	Consultation response received/made public	Historic England
24 th October 2024	Additional consultations sent	Highways Authority Conservation Officer Historic England Notts Wildlife Trust Ecology Officer
30 th October 2024	Consultation response received/made public	County Archaeology
5 th November 2024	Consultation response received/made public	Notts Wildlife Trust
15 th November 2024	Consultation response received/made public	Conservation Officer
18 th November 2024	Additional information received	<ul style="list-style-type: none"> • Arboricultural Statement Part 1 • Arboricultural Statement Part 2
18 th November 2024	Additional consultations sent	Highways Authority
2 nd December 2024	Consultation response received/made public	Highways Authority

4 th December 2024	Consultation response received/made public	Conservation Officer
5 th December 2024	Consultation response received/made public	National Trust
18 th December 2024	Meeting took place between Kirsty Harte (case officer) and the agent and applicant	KH allocated as new case officer, so this was a catch up/introduction meeting
19 th December 2024	Additional information received	<ul style="list-style-type: none"> • Technical Note – Access Visibility
19 th December 2024	Additional consultations sent	Full consultation of the application given the amount of additional information received to date
19 th December 2024	Consultation response received/made public	Fire Protection Officer
19 th December 2024	Email from Elkesley Parish Council requesting an EOT for comment period	Officer responded accepting and agreeing request
20 th December 2024	Consultation response received/made public	Historic England
30 th December 2024	Consultation response received/made public	Lincs Historic Environment
7 th January 2025	Consultation response received/made public	Gamston Aviation
7 th January 2025	Consultation response received/made public	LLFA
10 th January 2025	Consultation response received/made public	Natural England
10 th January 2025	Consultation response received/made public	Newark & Sherwood Council
13 th January 2025	Officer conducted a site visit	
14 th January 2025	Consultation response received/made public	Highways Authority
16 th January 2025	Consultation response received/made public	Tree Officer
17 th January 2025	Consultation response received/made public	Conservation Officer

21 st January 2025	Consultation response received/made public	Gardens Trust
4 th February 2025	Consultation response received/made public	Environment Agency
24 th February 2025	Additional information received	In response to consultee comments the below was supplied (not requested) but then accepted and consulted on: <ul style="list-style-type: none"> • Heritage Addendum • LVIA Part 2 • Planning Statement
25 th February 2025	Consultation response received/made public	Environment Agency
26 th February 2025	Meeting between case officer/agent/applicant	Update on consultations and to discuss appointing external consultee to assess LVIA
26 th February 2025	Case officer appointed external bodies to assess LVIA	
27 th February 2025	Consultation response received/made public	County Archaeology
3 rd March 2025	Consultation response received/made public	Natural England
3 rd March 2025	Consultation response received/made public	Highways Authority
5 th March 2025	Consultation response received/made public	Historic England
7 th March 2025	Consultation response received/made public	Ecology Officer
10 th March 2025	Meeting between case officer/agent/applicant	Update discussion
12 th March 2025	Consultation response received/made public	LLFA
13 th March 2025	Additional information received	Request by Officer, uploaded and consulted on: <ul style="list-style-type: none"> • Agricultural Land Classification Report

14 th March 2025	Consultation response received/made public	External Consultee – LVIA Assessment Response
19 th March 2025	Consultation response received/made public	Elkesley Parish Council
20 th March 2025	Email Correspondence	Case Officer informed applicant of likely recommendation of refusal under delegated authority
25 th March 2025	Consultation response received/made public	Conservation Officer
1 st April 2025	Consultation response received/made public	Tree Officer
3 rd April 2025	EoT Requested	Agreed until 11 th April 2025
4 th April 2025	Consultation response received/made public	Newark & Sherwood Council
16 th May	Email Correspondence	Agent emailed LPA asking for update
20 th May 2025	Email Correspondence	Case Officer (returned from sick leave) and updated applicant that the proposal is going to committee Case Officer sent procedure notes on how to apply to speak at committee
9 th June 2025	Case officer informed agent that the committee schedule for 18 th June has been cancelled	
17 th June 2025	Appeal against non-determination received by the LPA	
18 th June 2025	Application to be presented to planning committee	Committee cancelled due to major IT update and now senior staff available
4 th July 2024	Additional information received	<ul style="list-style-type: none"> Public Benefits (from the agent)
16 th July 2024	Officers report was presented to planning committee	A site visit was conducted prior to the meeting (officers and members attended the SV)

Appendix B

Please see separate document of email communications.