The Planning Inspectorate

Room: 3/18A
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

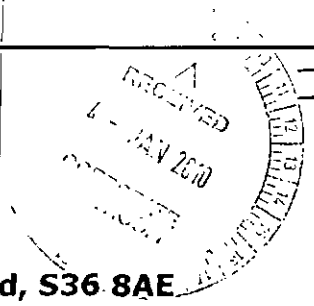
Direct Line: 0117-372-8080
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Fax No: 0117-372-8181
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teamp7@pins.gsi.gov.uk
http://www.planning-inspectorate.gov.uk

Planning Development Control
Section
Barnsley Metropolitan Borough
Council
PO Box 604
Westgate Plaza 1
Barnsley
S Yorks
S70 9FE

Your Ref: 2009/0866

Our Ref: APP/R4408/A/09/2115871/NWF

Date: 29 December 2009



Dear Sir / Madam

Town and Country Planning Act 1990
Appeal by Nicholson Roberts and Co Ltd
Site at 33 Barnsley Road, Penistone, Sheffield, S36 8AE

I enclose a copy of a letter from the appellant applying for an award of costs against you.

Please send me 2 copies of any observations you wish to make by 5 January 2010.

Yours sincerely

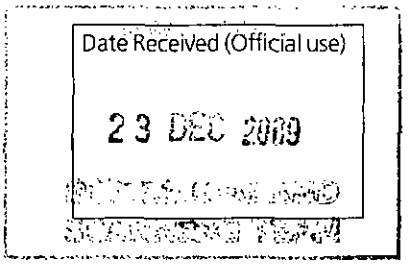
Sheila Parkin

ECOV(BPR)

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

INVESTOR IN PEOPLE

Appendix 2



The Planning Inspectorate
Application for an award of appeal costs

You can use this form as a template if you wish to apply for costs in:

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to give advance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice is withdrawn)

Notes to help you are in part D

A Information about the claimant

Full name: NICHOLSON ROBERTS & CO.

Address: 33, BARNSLEY ROAD
PENISTONE
SHEFFIELD

Postcode: S36 8AE Your reference.

Daytime telephone No: Fax no:

Email address:

Status (Appellant/Local Planning Authority/Interested Party):
APPELLANT.

Agent's Name (if applicable): P.M. ERRINGTON

Agent's Address: 21, STAINCROSS, COMMON
STAINCROSS,
BARNSLEY

Postcode: S75 6JD Reference.

Daytime telephone No: 01226 384241 Fax no:

Email address: gperrington2@blueyonder.co.uk

B Information about the party being claimed against

Full name: BARNSLEY M.B.C.

Address: PLANNING AND TRANSPORT SERVICE
WESTGATE PLAZA LEVEL 1
PO BOX 604, BARNSLEY

Postcode: S70 2RE

Status (Appellant/Local Planning Authority/Interested Party):
LPA.

C Information about the appeal

Planning Inspectorate appeal reference number APP/ R4408/A/09/2115871/NWF

(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: BARNSLEY MBC.

Description of the development: RETENTION OF A
STEEL STORAGE CONTAINER

Address of the site 33, BARNSLEY ROAD
PENISTONE
SHEFFIELD

D Notes for guidance on your costs application – please read before going ahead

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal
- the expense was because of the unreasonable behaviour of the other party

An award can only be made if both these tests are met.

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with your application, please read the guide *Costs Awards in Planning Appeals* (revised 2009 – England). This can be downloaded from http://www.planningportal.gov.uk/portal.gov.uk. You can also get a copy by contacting the Inspectorate's Customer Service Team on 0117 372 6372. We also ask you to read the full statement of national policy in the "Costs Circular" (number CLG 03/09), quoted in the guide. You can access this from the Communities and Local Government website at www.communities.gov.uk or you can look at copies in your local library or local planning authority office.

Although Q15 of the guide says there is no formal procedure or application form, you *can use this form as a template to make an application for costs in writing.* **Please refer to the relevant parts or paragraphs of the circular which you think support your application.**

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Supreme Court Costs Office for an independent decision on the matter. There is more advice on this in the costs guide, at Q20.

If you are using this form to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party. Q15 of the costs guide gives further information.

Please also note there are time limits for making a costs application, again depending on the procedure for deciding the appeal. Q15 of the costs guide gives further information.

E Your costs application

Please state what you think is:

- *the unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal*

Given that the amount of parking is being increased, and this was clearly spelt out in the officer's report, it was power of the Councillors to refuse the application on the basis of loss of parking.

Continue on a separate sheet if necessary.

- your unnecessary or wasted expense in the appeal (*not the amount, but the kind of expense*)

Preparation of the appeal, involving site visit and meeting, visit to Civic Hall to view relevant planning files, and preparation and submission of appeal documents and statement.

Continue on a separate sheet if necessary.

Please sign below

I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)

Signature ..... P M Errington .....

On behalf of ..... NICHOLSON ROBERTS AND CO. .....

Name (in capitals) ..... PHILIP MICHAEL ERRINGTON. .....

Date ..... 21st December 2009 .....

The gathering and subsequent processing of the personal data you give on this form accords with the terms of the Planning Inspectorate's registration under the Data Protection Act 1998. More about the Planning Inspectorate's data protection policy can be found on our website at "Privacy Statement":

www.planning-inspectorate.gov.uk/pins/terms_conditions/privacy/index.htm

Please note exceptions below but otherwise send this form and any supporting documents to:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer