

Costs Decision

Site visit made on 30 August 2016

by D M Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 28 September 2016

Costs application in relation to Appeal Ref: APP/F2415/W/16/3147948 Manor Works, Main Street, Fleckney, Leicestershire LE8 8AP

- 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 Mr Mick Harris for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission for the erection of 9 no. dwellings including change of use from light industry to residential for the complete parcel of land comprising of 1005.35sq.metres.
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Decision

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

Reasons

2. The *Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG gives examples of unreasonable behaviour by planning authorities. Amongst other things, this can include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. The PPG makes it clear that the award of costs cannot extend to compensation for indirect losses, such as those which may result in delay in granting planning permission.
4. The Appellant's application is made on two grounds. However, much of the Cost Application relates to grievances about the Council's handling of previous applications. Given that cost applications must be specific to the costs incurred in relation to the current appeal, I have not considered these matters further.
5. The Appellant avers that the Council failed to work proactively. However there is no substantive evidence before me to support such a claim. Whilst I appreciate the Appellant tried to engage with the Highway Authority at the pre-application stage and during the determination period, I can see nothing to suggest that their advice was inaccurate or misleading or that they were deliberately obstructive. Moreover, I find nothing to suggest that the Council's decision was not reached on the basis of the merits of the proposal, as submitted by the applicant.

6. The reasons for refusal set out in the Council's decision notice are complete, precise and specific to the application. In my view, the reasons have been adequately substantiated by the Council in the Officer Report which is clearly written and sets out the putative reasons for reaching the conclusion it did. Whilst it is disappointing that the Highway Authority's objection was not substantiated to any extent in their formal Consultation Response, their concerns have since been adequately amplified in the Appeal Statement. I do not therefore consider the Appellant has incurred any unnecessary expense in this regard.
7. Although I have come to a different view to the Council in respect of listed buildings and highway safety, this does not make their position unreasonable on these matters. Following consideration of the application on its merits alone, I have concurred with the Council in respect of the effect of the development on the living conditions of future occupiers. It therefore follows that the Council were not unreasonable in coming to the decision they did.

Conclusion

8. I do not consider that the Appellant has shown the Council's handling of the application decision was incorrect or deficient. I find, therefore, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

D. M. Young

Inspector