
Costs Decision

Site visit made on 11 October 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 24th October 2016

Costs application in relation to Appeal Ref: APP/F2415/D/16/3157576 Rose Cottage Farm, Crackbottle Road, Keythorpe, Tugby LE7 9XG

- 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 Tadeusz for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission for conversion of garage to annex and a detached garage.
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Decision

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

Reasons

2. 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 appellant's application for an award of full costs is based on the unreasonable behaviour of the Local Planning Authority resulting in unnecessary or wasted expense in the appeal process. The appellant states that the Local Planning Authority was unreasonable as refusal was unnecessary as the planning committee decision was influenced by irrelevant historical bias. The appellant also raised concerns about the conduct of the planning committee held on 7th June 2016 when the application was determined by the Council.
 4. In this case, the reason for refusal set out in the decision is complete, precise, specific and relevant to the application and has been adequately substantiated by the Council. The officer's report set out the complex planning history and demonstrates the Council's view as to how the proposal would affect the character and appearance of the surrounding area, using the evidence submitted by the appellant, third party representations and the Council's observations. It clearly sets out the recommendations of the officer.
 5. However, this is a matter of planning judgement and the Council Members, are not bound by the officer's recommendations and professional advice, in making their final decision. In this instance a case was made by the planning committee that the proposal was unacceptable and the reason for refusal clearly states the policy of the Harborough District Core Strategy 2011 that the proposal would be in conflict with. Whilst I appreciate the appellant's concerns
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regarding the wide ranging discussion by the planning committee and the conduct of the Members, these are not a material consideration to which I can attach significant weight in making this decision.

6. The Local Planning Authority's submission and supporting evidence clearly shows that the Council actively engaged with the appellant during the application process and carried out their duty to assess the development proposal as submitted.
7. It will be seen from my decision that I do not agree with the Council on the merits of this development. However, these are matters of planning judgement based on an assessment of fact and degree of the effects on the main issues relating to the development. The Council and the planning committee were entitled to form their own views about the impacts of the development even though, for the reasons set out in my appeal decision, I have reached a different conclusion on the planning merits of the case. Nonetheless for the reasons that I have given, I cannot agree that the Council has acted unreasonably in this case.
8. I therefore find that unreasonable behaviour by the Local Planning Authority resulting in unnecessary or wasted expense which would lead to an award of costs, as described in the PPG, has not been demonstrated.

David Troy

INSPECTOR