
Costs Decision

Site visit made on 13 October 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 3rd November 2016

**Costs application in relation to Appeal Ref: APP/F2415/W/16/3153671
Swift Stables, Theddingworth Road, Mowsley, Lutterworth, Leicestershire,
LE17 6PZ**

- 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 Miss Rebecca Hammond-Evans for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission for removal of condition 2 (use as tourist accommodation) of 11/01251/FUL.
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Decision

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

Reasons

2. *Planning Practice Guidance* 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 costs relies to a substantial extent on the view that the Council acted unreasonably in refusing consent based on the evidence provided, particularly in relation to the information submitted to demonstrate that the holiday let was not a viable business. Based on the information submitted I have been unable to conclude that the use has no reasonable prospect of being viable. It follows that as I concur with the Council in this regard, I do not consider that they behaved unreasonably in reaching the same conclusion.
4. The appellant has also expressed concerns regarding their interactions with the Council during the pre-application and application process. Whilst this must have caused the appellant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant.
5. It follows that the Council did not delay development which should clearly have been permitted, having regard to local and national policy and any other material considerations. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in *Planning Practice Guidance*, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Anne Jordan

INSPECTOR