
Costs Decision

Site visits made on 15 and 22 November 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 12 December 2016

Costs application in relation to Appeal Ref: APP/F2415/D/16/3157767 15 Hallaton Road, Medbourne, Market Harborough LE16 8DR

- 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 & Mrs Colin Wilson for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission for a detached garage with store/studio above.
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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 appellants 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 appellants state that the Local Planning Authority was unreasonable as refusal was unnecessary as advice was given to submit a Non-Material Amendment and insufficient weight was given to the extant planning permission in making the decision.
4. Whilst I appreciate the appellants concerns regarding the advice and the additional time and costs in submitting an application for a Non-Material Amendment¹, the Local Planning Authority is entitled to make such a request in order to allow them to form their own views about whether or not the proposed amendments to the extant planning permission² were material changes, which was the case in this instance. However, the question of whether or not the amendments are material changes does not affect the validity of the appeal made and I have determined this case based on its individual merits.
5. In this case, the weight given to extant planning permission in making the decision has been adequately substantiated by the Council in its officer report. The officer's report sets out clearly how the proposed development was considered to be materially different to the previously approved scheme and

¹ 16/00680/NMA

² 15/01429/FUL

the weight given to the extant planning permission as a material consideration in making the decision. The officer report demonstrates the Council's view as to how the proposal would affect the character and appearance of the area including the Medbourne Conservation Area (CA) and the setting of a listed building and the living conditions of the occupiers of the neighbouring property, using the evidence submitted by the appellants, third party representations and the Council's observations.

6. The Local Planning Authority's submission and supporting evidence clearly shows that the Council actively engaged with the appellants during the application process and carried out their duty to assess the development proposal as submitted.
7. It will be seen for the reasons set out in my appeal decision, I concur with the Council on this case that there were sufficient grounds relating to the harm caused by the proposed development to the character and appearance of the area including the CA and the living conditions of the occupiers of the neighbouring property. I came to that decision based on my consideration of the details and merits of the development, having regard to all the evidence and other matters raised. Accordingly, I consider that the Council has shown that it was able to substantiate its decision on the above matters and 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