
Costs Decision

by A Jordan BA Hons MRTPI

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

Decision date: 24 July 2017

**Costs application in relation to Appeal Ref: APP/F2415/W/17/3167252
The Stables, Home Farm, Main Street, Peatling Magna, LE8 5UQ**

- 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 Peter Young for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission for conversion of stable block and detached barn to form single dwelling and garaging.
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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. The appellant considers that the Council acted unreasonably in refusing the application and contends that they also failed to adequately substantiate their case at appeal.
3. The Council did not provide a separate appeal statement, choosing instead to rely on the Officer's delegated report. This provided a comprehensive summary of the issues relevant to the appeal, including the relevant local and national policy considerations. In this regard it provided a relatively brief but nonetheless adequate explanation of the Council's case, which was sufficient to explain why the Council had dismissed the appeal.
4. The Courts have established that the weight to be attributed to the various factors in a case is a matter for the decision maker. In coming to a view the Council chose to attribute significant weight to the harm arising due to accessibility. I have attributed different weight to the various material factors in the case, including guidance in the Framework. This is a matter of planning judgement and whilst I do not concur with the Council's decision, I do not consider the Council acted unreasonably in this case.
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.

6. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Anne Jordan

INSPECTOR