The Planning Inspectorate

Costs Decision

Site visit made on 14 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 6 September 2017

Costs application in relation to Appeal Ref: APP/X2410/W/17/3175084 Little Paddocks, Roecliffe Road, Cropston, Leicestershire LE7 7HQ

- 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 Mrs Mandy Ronayne for a full award of costs against Charnwood Borough Council.
- The appeal was against the refusal of an application for the removal/variation of a condition.

Decision

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

Reasons

2. National Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and costs may only 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 PPG states that if there is a delay in issuing a decision, this may be a factor in determining an award of costs. However, it is clear that this is only in cases where the appeal would have been allowed and I have determined in my main decision that this is not the case. Therefore, whilst delay is always regrettable, it is not in itself a justification for an award of costs in this case.

4. The appellant states that the Council's misinterpretation of its own policies has led to the unnecessary refusal of the application. However, within the appellant's response to the Council's statement, dated August 2017, it is stated that the interpretation of policy is finely balanced. In the circumstances of the case, I favour the Council's interpretation and I have dismissed the proposal partly on this basis. It seems to me that this amounts to a matter of a difference of professional opinion and I can find no lack of reasonableness in either side of the argument.

5. In the light of my findings, I conclude that there has been no unreasonable behaviour by the Council. Consequently, the application for an award of costs is refused.

S T Wood

INSPECTOR