
Costs Decision

Site visit made on 18 March 2019

by Jan Hebblethwaite MA Solicitor (Non-practising)

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Costs application in relation to Appeal Ref: APP/F2415/W/18/3219320 Land to the rear of 28 Caldecott Road, Great Easton, LE16 8TB

- 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 and Mrs Neil and Lucy McKay (the appellants) for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of detached B&B accommodation, including access and associated works at land to the rear of Stoneacres, Caldecott Road, Great Easton.
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Decision

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

Reasons

2. The 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 decision made by the Council on the application was that the proposed development would have an adverse impact on the character of the area by virtue of visual intrusion.
4. Any assessment of character will inevitably involve an element of subjective judgement. Equally, an assessment of the visual impact of a development on that character will be subjective.
5. The committee had attended a site visit prior to reaching its decision and the report before the committee was comprehensive. The committee also had the detailed objections of the immediate neighbours, the Parish Council and the other objectors and supporters. It appears that the Members of the committee fully debated the development proposals in the light of the comments and their own judgement of the character formed on the site visit. Having done so, the committee decided to refuse the application.
6. Where a planning committee carry out a reasoned consideration of the character of the area within which the development is proposed, and/or the impact of the proposed development on that character or neighbouring properties, it may quite legitimately come to a different conclusion to that of the planning officer. There is nothing inherently unreasonable in reaching a different judgment.

7. I have no reason to find that the consideration given to the application by the committee was anything other than reasoned and I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jan Hebblethwaite

INSPECTOR