



Costs Decision

Site visit made on 30 July 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Costs application in relation to Appeal Ref: APP/Q3060/W/19/3228468 81 City Road, Nottingham NG7 2JL

- 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 Sandeep Krishan (Krishan Projects Ltd) for a full award of costs against City of Nottingham Council.
 - The appeal was against the refusal of planning permission for proposed single storey rear extension @ 81 City Road, Dunkirk, Nottingham NG7 2JR.
-

Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant contends that the appeal was unnecessary as the development has no impact on the wider community and designed only to improve the living conditions of the occupants of the property. As a result, the actions of the Council have delayed development that should have been permitted.
5. I find that the Council reached a rounded view in taking the decision and considered all relevant matters. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states which policies of the Development Plan that the proposal would be in conflict. This reason has been adequately substantiated by the Council in its submitted evidence.
6. This appeal decision is, however, ultimately a matter of planning judgement. The applicant and I may have reached a different judgement to the Council but that does not make its position unreasonable.
7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Cooper

INSPECTOR