



Costs Decision

Site visit made on 8 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Costs application in relation to Appeal Ref: APP/X2410/W/19/3234047 214 Ashby Road, Loughborough, Leicestershire LE11 3AE

- 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 Ms Hollie Molloy-Westrop for a full award of costs against Charnwood Borough Council.
 - The appeal was against the refusal of planning permission for change of use of dwelling (Use Class C3) to house in Multiple Occupation (Use Class C4) and provision of car parking area to front.
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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 considers that the Council has misinterpreted its own planning guidance, has withheld information without good reason, failed to provide substantive evidence to support the reasons for refusal, made inaccurate assertions with regard to the impact of the proposals, unsupported by objective analysis, and delayed development which should have been permitted.
5. I find that the Council reached a rounded view in taking the decision and considered all relevant matters. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states which policies of the Local Plan at that time, that the proposal would conflict with. These reasons have been adequately substantiated by the Council in its Appeal Statement.
6. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development, nor has any evidence been submitted to substantiate the claim that the Council failed to co-operate with the appellant at application stage.

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. With regard to the withholding of information, I do not consider that the Council has acted unreasonably. They have taken advice from their Data Protection and Publications Officer with regard to the nature of the information and the limits of what could be released in relation to their statutory duty. The information that could be released was made available to the applicant.
9. 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