
Costs Decision

Site visit made on 20 November 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Costs application in relation to Appeal Ref: APP/B0230/D/19/3236684 155 Primrose Close, Luton LU3 1EZ

- 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 Anjam Ismail for a full award of costs against Luton Council.
 - The appeal was against the refusal of planning permission for erection of single storey side and rear extension.
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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. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the adopted policies that the proposal would be in conflict with in the view of the Council. Accordingly, although I note the part of the reason for refusal relating to the proposal setting an undesirable precedent, I do not consider that the Council failed to reasonably evaluate the application. While I note the comments relating to plot ratio measures, and examples of other properties, given the evidence before me, I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Conclusion

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

R Sabu INSPECTOR