
Costs Decision

Site visit made on 19 November 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Costs application in relation to Appeal Ref: APP/U4610/W/19/3236741 34 Prior Deram Walk, Coventry CV4 8FT

- 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 Tantias Properties Limited for a full award of costs against Coventry City Council.
 - The appeal was against the refusal of planning permission for the change of use from A1 retail to A5 hot food takeaway with 32sq m single storey rear kitchen extension.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, 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 applicant's case relies on the fact that they consider that the Council failed to engage with them during the application process in order to overcome issues relating to the reasons for refusal and that the Council submitted the appeal questionnaire after the deadline.
4. The Council have stated that further information was not sought to address matters relating to the reasons for refusal as they had a principle policy objection to the proposed development. I have considered the matters raised, however it seems that the seeking of additional information during the application process would not have been sufficient to overcome the Council's principle objection and as such to request this information would have put the applicant to additional expense which would not have altered the outcome. I therefore find the Council's approach to be reasonable and justified in this regard.
5. In relation to the submission of the appeal questionnaire, the Council acknowledge that this was submitted three days after the deadline due to workload levels within the department. However, the applicant has not identified how this delay has resulted in wasted expense within the overall appeal process.
6. I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not

been demonstrated. For this reason, and having regard to all matters raised, an award for costs is not justified.

R Norman

INSPECTOR