



Costs Decision

Site visit made on 14 January 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Costs application in relation to Appeal Ref: APP/J3015/D/19/3237695 53 Enfield Street, Beeston, Nottingham NG9 1DL

- 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 Mrs Parveen Kumar for a full award of costs against Broxtowe Borough Council.
 - The appeal was against the refusal of planning permission to retain the single storey and two storey rear extension and rear dormer.
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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 contends that the rear dormer has been carried out in accordance with permitted development regulations, and that the pitched roof could have been approved with conditions. In addition, the applicant states that the works are to provide better facilities for a disabled family member.
5. The Council considers that to construct the pitched roof for the two-storey extension, the dormer would have to be reduced in size considerably. In addition, the Council considers all the works to represent a single operation that would require planning permission. In relation to the nature of the works for a disabled family member, no information has been submitted in support of this issue during the course of the application.
6. I find that the Council has reached a rounded view in taking the decision and have considered all relevant matters. The reason for refusal as set out in the decision notice is complete, precise, specific and relevant to the application. It clearly states which policies of the Development Plan that the proposal would be in conflict with. I find that these reasons have been adequately substantiated by the Council in its submitted evidence and for reasons that I explained in my appeal decision, I agree with the Council that the proposal did not comply with the relevant local planning policies. I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.

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.
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